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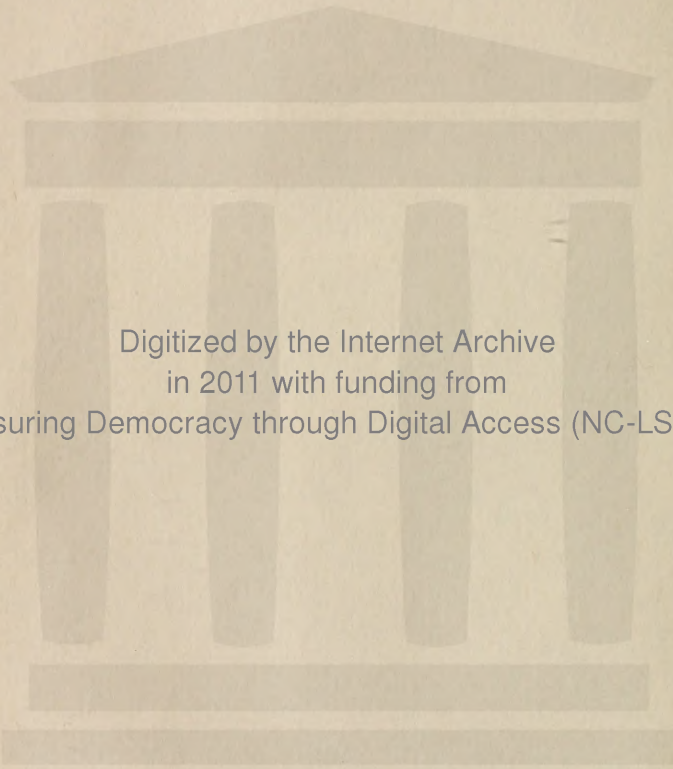
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JOURNAL

OF THE

HOUSE OF COMMONS.

GENERAL ASSEMBLY OF NORTH-CAROLINA,

BEGUN and held at the Capitol, in the City of Raleigh, on Monday, the fifteenth day of November, in the year of our Lord one thousand, eight hundred and fifty-eight, and the eighty-third year of the Independence of North-Carolina:

WHICH DAY, being the third Monday in the month of November, and the day appointed by Law for the meeting of the General Assembly, at 12 o'clock, Meridian, EDWARD CANTWELL, Principal Clerk of the House of Commons, having called the House to order, it appeared that a quorum of the whole number of members of the House were present, as follows:

From the County of

Alamance,	{ Junius I. Scales,
Alexander,	{ Benj. F. Roney.
Anson,	William Burke.
Ashe,	James A Leak.
Beaufort,	Allen Gentry.
	{ Sam'l Windley,
	{ Thos. Sparrow.
Bladen,	John W. Purdie.
Brunswick,	Thos. D. Meares.
Buncombe,	Jas. S. T. Baird.
Burke,	Tod R. Caldwell.
Camden,	Dennis D. Ferebee.

Caswell,	{ John Kerr,
Carteret,	{ Stephen E. Williams.
	Samuel Leffers.
Chatham,	{ John A. Moore,
	{ Wm. P. Taylor,
	{ Robert N. Green.
Cherokee,	William C. Walker.
Cleveland,	{ Abraham G. Watters,
	{ G. Dixon.
Columbus,	John H. Stephens.
Craven,	Henry C. Jones.
Cumberland and Harnett,	{ William McL. McKay,
	{ James S. Harrington,
	{ Christopher C. Barbee.
Chowan,	John C. Badham.
Currituck,	Burwell M. Baxter.
Davidson,	{ Henry Walser,
	{ Hiram W. Brummell.
Duplin,	{ John D. Stanford,
	{ William R. Ward.
Edgecombe,	{ Robert R. Bridgers,
	{ John S. Dancy.
Franklin,	William F. Green.
Forsyth,	{ John Masten,
	{ Francis Fries.
Gaston,	Dan'l T. Ragan.
Gates,	Riddick Gatling, Jr.
	{ James M. Bullock,
Granville,	{ Tazewell S. Hargrove,
	{ Edward B. Lyon.
Greene,	Arthur D. Speight.
Guilford,	{ John M. Morehead,
	{ David F. Caldwell,
	{ Abraham Clapp.
Halifax,	{ William Hill,
	{ William L. Long.
Haywood,	Sam'l L. Love.
Henderson,	Valentine Ripley.
Hyde,	Tilman Farrow.
Iredell,	{ A. B. F. Gaither,
	{ A. Knox Simonton.
Jackson,	Thadeus D. Bryson.
Johnston,	{ Burniss H. Tomlinson,
	{ Willis H. Sanders.
Jones,	William A. Cox.

Daniel Franklin Ragan
of Gaston County

Lenoir,	Nathan B. Whitfield.
Lincoln,	Ambrose Costner.
Macon,	Henry G. Woodfin.
Madison,	John A. Fagg.
Martin,	Augustus Moore.
McDowell,	Albertis Higgins.
Mecklenburg,	{ Henry M. Pritchard,
	{ Williamson Wallace.
Montgomery,	Edward C. Chambers.
Moore,	John Shaw.
Nash,	Geo. N. Lewis.
New-Hanover,	{ Robert K. Bryan,
	{ Geo. J. Moore.
Northampton,	{ Matt. W. Ransom,
	{ Marcus W. Smallwood.
Onslow,	James H. Foy.
Orange,	{ John W. Norwood,
	{ Pride Jones.
Pasquotank,	Timothy Morgan.
Person,	Robert H. Hester.
Perquimans,	Nathan Newby.
Pitt,	Jacob McCotter.
Randolph,	{ John A. Craven,
	{ Jesse Thornburg.
Richmond,	Oliver H. Dockery.
Robeson,	{ James Blount,
	{ Alex. Watson.
Rockingham,	{ Francis L. Simpson,
	{ Thomas Settle, Jr.
Rowan,	{ Nathan N. Fleming,
	{ Newberry F. Hall.
Rutherford,	{ Benj. Washburne,
	{ Owen P. Gardner.
Sampson,	{ William Kirby,
	{ Franklin J. Faison.
Stanly,	Matthew T. Waddill.
Stokes,	Joel F. Hill.
Surry,	Richard E. Reeves.
Tyrrell,	John A. Benbury.
Union,	Thomas C. Wilson.
Wake,	{ Ed. Graham Haywood,
	{ John F. Hutchins,
	{ George H. Faribault.
Warren,	{ Edwin D. Drake,
	{ David C. Hall.

Washington,	Joseph S. Norman.
Watauga,	Mark Holdsclaw.
Wayne,	{ Erwin A. Thompson,
	{ William T. Dortch.
Wilkes,	{ Augustus H. Martin,
	{ Peter Eller.
Yadkin,	William H. A. Speer.
Yancy,	Samuel Byrd.

To each of whom the oaths required by law being administered by the Hon. George E. Badger, a Justice of the Peace for the county of Wake,

On motion of Mr. Hill, of Halifax, the House proceeded to vote, *viva voce*, for Speaker.

The clerk appointed Messrs. Gentry and Outlaw to superintend the election, and the result was as follows:

The following named members of the House voted for THOMAS SETTLE, Jr., one of the Commoners from the county of Rockingham, viz:

Messrs. Badham, Baird, Baxter, Barbee, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Costner, Cox, of Jones, Dancy, Dickson, Dortch, Drake, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hall of W., Hargrove, Harrington, Haywood, Hester, Higgins, Hill, of H., Hill, of S., Holdsclaw, Hutchins, Jones, of Craven, Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Norman, Norwood, Pritchard, Ransom, Ragan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Tomlinson, Thompson, Wallace, Ward, Washburne, Watson, Watters, Whitfield, Williams and Wilson—75.

The following members of the House voted for DENNIS D. FEREBEE, the Commoner from the county of Camden, viz:

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Eller, Farrow, Gaither, of I., Greene, of C., Henry, Leak, McCotter, Martin, Meares, Morgan, Newby, Outlaw, Purdie, Sanders, Simon-

ton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin—32.

The following members voted for WILLIAM HILL, one of the Commoners from the county of Halifax, viz :

Messrs. Settle and Stephens—2.

Mr. Ferebee voted for Mr. WADDILL.

The clerk reported to the House that 110 votes had been heard and recorded, and Mr. THOMAS SETTLE, Jr., having received a majority of them, was duly elected Speaker of the House of Commons.

The Speaker was then conducted to the Chair by Messrs. Ferebee and Hill, of Halifax.

On motion of Mr. Dancy,

The House then proceeded to vote, *viva voce*, for Clerk of the House, the term of the incumbent having expired. The following named members of the House voted for EDWARD CANTWELL, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Eller, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Higgins, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Ragan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Waddill, Walker, Wallace, Washburne, Watters, Ward, Whitfield, Williams, Wilson and Woodfin—84.

The following members voted for WILLIAM H. HARRISON, viz :

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Farrow, Ferebee, Gaither, Green, of C., Henry, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Simonton, Sparrow, Speer, Taylor, Thornburg, Walser and Windley—28.

Edward Cantwell, having received a majority of the whole number of votes given in, was declared duly elected Clerk of the House, and entered upon the discharge of the duties of that office.

On motion of Mr. Dortch, GEORGE HOWARD, Jr., was appointed unanimously Assistant Clerk; and the House proceeded to vote for Principal Doorkeeper, when

On motion of Mr. Hill, of Stokes, WILLIAM S. WEBSTER was appointed unanimously.

On motion of Mr. Simpson, the House proceeded to vote for Assistant Doorkeeper, with the following result:

The following members of the House voted for JOHN LAWRENCE, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Higgins, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kerby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of M., Moore, of C., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Ragan, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Washburne, Watson, Watters, Whitfield, Williams and Wilson—73.

The following members of the House voted for WILLIAM R. LOVELL, viz:

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Eller, Fagg, Farrow, Ferebee, Gaither, of I., Gentry, Green, of C., Henry, Leak, Lewis, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Reeves, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddell, Walker, Walser, Windley and Woodfin—38.

On motion of Mr. Hill, of Stokes, a message was sent to the Senate, informing that body of the organization of the House of Commons.

The messenger returned with information that the Senate had adjourned.

On motion of Mr. Ferebee,

Ordered, That a committee of five be appointed by the Speaker to prepare Rules of Order for the Government of the House, and that meanwhile the Rules of the last Session be continued.

The Speaker appointed Messrs. Kerr, Morehead, Outlaw, Badham, and Hill, of Halifax.

On motion of Mr. Dortch, and at 2 o'clock, the House then adjourned until to morrow morning, at 11 o'clock.

TUESDAY, NOVEMBER 16, 1858.

The following members of the House appeared, filed their credentials, and, being sworn, took seats in the Hall, viz :

Johnson H. Bryan, from the county of Craven.

Thomas J. Dula, from the county of Caldwell.

Ebenezer B. Burns, from the county of Cabarrus.

Thomas Cox, from the County of Pitt.

The Speaker announced the order of business, as follows, viz :

1. Petitions, memorials, pension certificates and papers addressed either to the General Assembly or the House.

2. Reports of standing committees.

3. Reports of select committees.

4. Resolutions.

5. Bills.

6. Bills, etc., on the table.

Mr. Ferebee introduced the following resolution, viz :

Resolved, That the Speaker of the House of Commons be directed to invite a Minister of the Gospel, selected alternately from one of the denominations in the city, to open the sittings of the House with prayer, and that this be also a standing rule of the House.

Laid over one day under the rule.

The Senate informed the House by message of the organi-

zation of that body, and the election of the following officers, viz: Hon. Henry T. Clark, Speaker; Hon. John Hill, Clerk; Quentin Busbee, Assistant Clerk; James Page, Doorkeeper; C. C. Talley, Assistant Doorkeeper.

The Senate proposed, by message, to raise a joint committee to wait upon the Governor and inform him of the organization of the two Houses, and that they are ready to receive any communication he may have to make.

On motion of Mr. Kerr, the message was concurred in, and Messrs. Kerr and Benbury appointed on the part of the House. The Senate thereupon appointed Messrs. Boyd and Cowper, on their part.

The Senate further proposed, by message, to raise a joint committee of two on their part, and three on the part of the House, to prepare and report joint rules for the government of the two Houses.

On motion of Mr. Bridgers, the message was concurred in, and Messrs. Bridgers, Ferebee and Love appointed on the part of the House.

Mr. Kerr, from the Committee to wait upon the Governor, reported that they had performed that duty, and His Excellency would send in a message at 12 o'clock, this day.

The Senate, by message, informed the House that Messrs. McDonald and Humphrey had been appointed on their part to prepare and report joint rules.

On motion of Mr. Love,

Ordered, That a message be sent to the Senate proposing to proceed forthwith to the election of a Public Printer.

The message being sent, the Senate afterwards concurred and so informed the House, when the Speaker appointed Messrs. Love and Caldwell, of Burke, to superintend the election in this House,—Messrs. Cunningham and Ramsay being appointed on the part of the Senate.

An election for State Printer was then held, with the following result: The following members of the House voted for HOLDEN & WILSON, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of Craven, Bryan, of New Hanover, Bryson,

Bullock, Byrd, Costner, Cox, Dancy, Dickson, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of Franklin, Hall, of Warren, Hall, of Rowan, Hargrove, Harrington, Haywood, Hester, Hill, of Halifax, Hill, of Stokes, Higgins, Holdscaw, Hutchins, Jones, of Craven, Jones, of Orange, Kerr, Kirby, Leffers, Lewis, Love, Lyon, Masten, McKay, Moore, of C., Moore, of M., Moore, of New Hanover, Norman, Norwood, Purdie, Ragan, Reeves, Ripley, Roney, Pritchard, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams—76.

The following members of the House voted for JOHN W. SYME, to-wit:

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of Pitt, Craven, Dockery, Eller, Farrow, Ferebee, Gaither, Green, Henry, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin—32.

It being 12 o'clock, the biennial message of his Excellency, the Governor, and the accompanying documents, were received in the House, by the hands of Pulaski Cowper, Esq., Private Secretary, as follows:

*To the Honorable, the General Assembly
of the State of North-Carolina:*

The meeting of the representatives of the people in General Assembly is always a matter of public interest. Clothed as they are with the exclusive law-making power of the State, with no check upon its exercise, when constitutionally employed, save that of public opinion, and with authority also to elect persons to fill high and important stations, not only in the State, but in the councils of the Federal Government, we can well see why the assembling of such a body should excite the liveliest interest. But while this has been usually the case with regard to Legislatures which have preceded the present one, it is emphatically so as to this.

Questions of State policy and duty of very grave importance, it is known, will be presented to you, as to some of which, doubtless, much diversity of opinion will be found to exist.

In a government constituted like ours, these differences of opinion will always prevail, not only between political parties into which a community may be divided, but between the members, even, of the same party organization. Such differences, however, are but the result of that freedom of opinion to which all are entitled, and for the proper exercise of which no one ought to complain.

I doubt not that you will be prepared to give to all matters upon which you may be called to act a careful consideration, and I trust that in doing so, your counsels may be so guided as to promote the general welfare of the State. In the discharge of my duty, I shall, in this communication, lay before you such views and suggestions of my own, as I deem suitable to the occasion.

The first subject to which I invite your attention is the very important one of the State debt and finances.

In reply to a resolution of the last General Assembly, the Public Treasurer reported the bonded debt of the State to be, on the 13th December, 1856, \$5,153,802 55

Of which has been since paid a bond to the trustees of the University of North-Carolina, 6,000 00

\$5,147,802 55

This debt has been since increased by the amount and for the purposes following:

Consolidating interest with principle on Bonds to Literary Board, by resolution of the last General Assembly,

\$25,202 45

Bond to the bank of Cape Fear, for loan,

41,000 00

Bonds for Fayetteville and Albe-
marle Plankroad,

20,000 00

Fayetteville and Warsaw Plankroad,

6,000 00

Lunatic Asylum,	\$21,000 00
Atlantic and North-Carolina Railroad, for balance of subscription,	533,500 00
Lunatic Asylum, under act of last Session for enclosing grounds, &c.,	35,000 00
Subscription to Chesapeake and Albemarle Canal Company,	250,000 00
Loan to Atlantic and North-Carolina Railroad Company,	400,000 00
Western North-Carolina Railroad,	400,000 00
	————— 1,731,702 45
	<hr/> \$6,879,505 00

Making the bonded debt of the State upon which she is primarily liable, at this time, six millions eight hundred and seventy-nine thousand five hundred and five dollars. Of this amount, the payment of the principal and interest of the sum of \$400,000, loaned in State bonds to the Atlantic & North-Carolina Railroad Company, is secured by a deed in trust on the road and other property of the company, in conformity to the act of last session authorizing the loan. So far the company has failed to pay the interest on the bonds. It is hoped, however, that, when fairly in operation, it will be able to do so, and relieve the State to that extent.

I will state also that, for two years last past, the State has been compelled to pay the interest upon bonds of the Cape Fear and Deep River Navigation Company for \$300,000, by reason of her endorsement thereof, and that she is liable in like manner for the ultimate payment of the principal as it falls due, one-third in the year 1865, the like amount in 1875, and the residue in 1885.

Under existing laws, State bonds are to be issued as follows :

For balance of first subscription to Western North-Carolina Railroad,	\$ 200,000 00
For subscription to same, made 10th August last, under act of last session, to complete the first	

section of the road to Morganton,	\$440,000 00
Making,	<hr/> \$ 640,000 00

These bonds, in all probability, will be called for and issued before the meeting of the next General Assembly.

It is proper for me to state also, that there has been, for some years, a floating debt due by the State, kept on foot from year to year, by resolutions passed from time to time by the Legislature, authorizing the public treasurer to make temporary loans to pay the liabilities of the State, and which loans have been annually paid off upon the coming in of the public taxes. The amount of this debt has been gradually increased by the payment of interest on these loans and the excess of appropriations over the receipts from revenue, until it reached near the end of the last fiscal year, about the sum of \$302,418.

This debt has been a serious inconvenience, I may say, in fact, an *incubus* upon the treasury, and will continue to be so, unless some permanent provision is made for its relief.

It is true, the debt was discharged out of the incoming revenue at the end of the last fiscal year, but it has left a *vacuum* in the treasury to that extent, which must be supplied by new loans, or in some other manner, before the incoming of the revenue for the present fiscal year. In fact, it is the opinion of the public treasurer, as you will see from his estimates, that, if temporary loans are resorted to, the amount of the floating debt this fiscal year will exceed that of the last, and that about the sum of \$400,000 will be required. This amount taken from the revenue to be paid at the end of this fiscal year, would nearly empty the treasury and leave it without means for the next twelve months.

The monetary difficulties experienced throughout the country in the fall of last year, and for several successive months thereafter, fully proved the impolicy of trusting to the resource of such loans to preserve the credit and honor of the State. It gives me pleasure to say, that in this emergency, our banks, with some two or three exceptions, came to the

aid of the State, and thus enabled the public treasurer to meet all her engagements.

It seems to me to be a matter of the first importance to relieve the treasury from this burthen and to place it upon such footing for the future, that a like hazard may not be a second time incurred.

Of the bonded debt of the State, of which I have given a statement, there will fall due of principal, from time to time, in the year 1859, \$200,000, and on the first of January, 1860, \$500,000. Provision must be made by you at this session to meet these debts, and I hold it almost as imperative that you should also provide for the floating debt, as estimated by the public treasurer, making together about eleven hundred thousand dollars. How it is to be done is a matter well worthy the consideration of every one who has at heart the best interests of the State. We cannot raise the amount by taxation in the short time we have to do it, without imposing a burthen that would fall heavily upon the people. Nor, under existing circumstances, is it at all probable that the amount could be obtained by loan, upon such terms and for such time as would make it desirable. The time was, but I think it has now passed, when the holders of these bonds would readily have exchanged them for State coupon bonds, at a long date. It seems to me, therefore, that, with our present resources, almost the only alternative left is to make coupon bonds of the State at a long date, with a provision in the bill authorizing their issue, to create a special sinking fund, sufficient to pay, and inviolably pledged to pay, these bonds at maturity; and that the bonds should then be sold in the market as the money may be wanted at the treasury. Judging from the present prices of our bonds in market, I believe that such bonds, with a fund pledged for their ultimate payment, would sell for *par* if not for a *premium*. I shall be much pleased if a more feasible scheme for relief than the one suggested, can, in the circumstances in which we are placed, be devised by the legislature. The books in the treasury department show that the revenue of the State from all sources, except from the sale of State bonds for the two fiscal years,

ending the 30th of September last, was for the year 1856-'57, \$512,205 02, and for the year 1857-'58, \$507,450 35.

It should be stated, however, that about the sum of \$7,000, part of the sum first named, properly belonged to the year 1855-'56, not having been actually paid into the Treasury, as it should have been before the end of that fiscal year; while about the sum of \$4,000 should be added to the second sum named, for defaults for sheriffs, which will probably be collected during the present fiscal year. These amounts of revenue compare favorably with those reported to the last General Assembly for the years 1854-'5 and 1855-'6.

Should the revenue continue the same for the present and next fiscal year, the bonds to the amount of the floating debt be disposed of, the Treasury for the two years would realize about the sum of \$1,400,000, an amount, in all probability, sufficient to pay the interest upon the existing State debt, and also the current expenses of the State government. But as to this, I do not wish to be considered as speaking with absolute certainty, the estimates at the time of preparing this statement not having been completed by the Public Treasurer.

By an act of the last General Assembly it was made his duty "to furnish estimates of the expenses of the State for two years next succeeding the close of the last fiscal year, and with a scheme in the form of a bill to sustain such estimates."

This will be laid before you at an early day in the session.

Should the form of the present revenue bill be retained, I would again, as I did in my last regular message, most respectfully remind the Legislature that there are many difficulties in the construction of parts of that act, which have from time to time been presented by the collecting officers of the State and others to the Treasurer and Comptroller, and which should be rendered plain by a new or explanatory act.

It would be out of place to attempt to detail them here, but they can be pointed out by those officers to your finance committee.

I repeat what I before stated, that in cases of doubt the State is generally the loser, as collecting officers will not in

such cases enforce the collection of the tax at the hazard of a suit should they mistake the law.

I desire also to call your attention to the present mode of assessing lands for taxation. Every one who has given any attention to the subject, must have become satisfied how imperfect it is, and how unequally such assessments are made, not only in different counties whose lands are known to be nearly of the same value, but that such assessments are quite as unequal and out of proportion to any fair standard of value in the several districts of which a county is composed.

If the present system of valuation is retained, I think this last evil may be remedied in a great degree, by requiring the assessors of the several districts composing a county to meet together as a board, after the assessments have been made and before they have been returned to Court, and that the Board so composed, shall examine and compare all the lists, and have power to increase or diminish any assessment, as to a majority of them may seem right and proper. The list so corrected, to be returned to Court as now required by law.

In my regular message to the last General Assembly, I urged upon them the policy of creating a Sinking Fund for the ultimate discharge of our State Debt. I take occasion to renew the recommendation then made. The bill passed at the last session, inadequate as it was from the smallness and uncertainty of the fund provided, was nevertheless a step in the right direction. The fund, though small, affords a nucleus around which a larger one may be built up. A Board of very able and experienced gentlemen were appointed to manage it, who have heartily undertaken the important trust confided to them, and who will doubtless lay before you valuable information and suggestions as to its increase, what amount will be required from year to year to meet our debts as they fall due, and as to the best means to be adopted for the preservation of the public credit.

The railroad stocks belonging to the State and not before appropriated to other purposes, constitute the chief part of the Sinking Fund. The receipts, so far, have been mainly, if not entirely, from dividends declared on stock in the Ra-

leigh & Gaston Railroad Company. It was hoped, and, I believe, generally expected, that after your last session dividends would be made by the North-Carolina Railroad Company, at least on the preferred stock held by the State, for her last subscription of one million of dollars. In relation to this a question has arisen of some importance to the State as well as to the individual stockholders, and to which I deem it my duty to call your attention.

This preferred stock was taken by virtue of an act, ch. 32, Laws 1854-'5, entitled "an act for the completion of the North-Carolina Railroad;" and by which it was, among other things, provided that "the State shall be entitled to *six per cent. per annum*, payable semi-annually thereon, out of any dividends of profits made by said company, before any dividends shall be paid on any other stock in the same."

In the two last annual meetings of the stockholders in the Company, it was insisted by Judge Ruffin, the State proxy, that out of the receipts, over and above the necessary expenses of operating the Road, the State was entitled to have a dividend on her preferred stock—and that such receipts were not properly applicable to the payment of debts of the Company contracted antecedent to the passage of the said act, or to new works to be constructed. Or, if to the latter, they were only applicable to such as were indispensably necessary to operate the Road. Whereas, the reports of the officers of the Company showed that these receipts were sufficient to pay a dividend to the State, in each of these years, but that they had been applied by the officers of the Company to the discharge of existing debts, and to the construction account. The officers and stockholders in the Company took a different view of the matter, and insisted that the fund had been properly and legally applied, and that the State had no just claim to have any dividend, under the circumstances. The proxy of the State reported these facts to me, to the end that I might take such action in the premises as in my opinion the interest of the State might require. In the conflict of opinion, I did not deem it advisable to take any steps to assert the claim of the State, but concluded to submit the whole matter to the

General Assembly for such directions, if any, as they may think proper to give.

At your last session a bill was passed, tendering to the Bank of the State a renewal of its charter. At a general meeting of the Stockholders, in the city of Raleigh, the matter was taken into consideration, and I was informed that they declined to accept a renewal of the charter upon the terms contained in the bill. As the charter under which the bank is now doing business will expire on the first of January, 1860, although by law it is allowed three years after that time to wind up its affairs, it will, in my opinion, be highly expedient for the Legislature, at this session, to charter some institution of the kind, to take the place of the Bank of the State, should it go into liquidation. It has been sometimes suggested that the capital of the bank of Cape Fear might be increased to an amount sufficient to supply banking facilities to the community, and to furnish also the means of making a safe and profitable investment of that portion of the literary fund now invested in stock of the bank of the State. But it is uncertain whether the bank of Cape Fear would accept of such a proposition, and if that difficulty were removed it seems to me that such an arrangement would be objectionable. So long as we have banks of discount and deposit, it would, in my opinion, be highly impolitic to build up one overgrown institution, which would have the power, in a great degree, to control the monetary affairs of the State. The same amount of capital divided between two banking institutions, with branches in different sections of the State, would be better and safer, as each will act as a check upon the other. I have no particular recommendations to make as to the amount of capital or of what it shall consist, or as to the details of any charter to be granted. Many schemes will doubtless be submitted to you, and I shall only express the hope that you will be able to select one, which, while it will hold out to stockholders a reasonable hope of fair profits upon their capital, will at the same time afford ample facilities to the public. Nor should it be forgotten that such an institution, properly conducted, will be able to render important aid to the State

in the management of her finances and the payment of her debts.

Our existing laws regulating the rate of interest on money lent, and attaching penalties to their violation, have lately, to some extent, become a topic of discussion. The policy of such laws has been seriously questioned. We live in a highly commercial age, and it cannot be denied that in most of the great commercial centres of the world, the value of money, or in other words the rate of interest paid for its use, depends upon the supply and the demand, and the risk incurred by the lender, and that all attempts, by law, to confine the rate of interest within certain fixed and prescribed limits have proved futile. Such being the case, it has been deemed a wiser policy to remove the restrictions as to the amount to be paid for the loan or forbearance of money over and above a certain fixed rate, where no special agreement is made, and thus to allow money, like property, to seek its own value.

It is said, how truly I am not sufficiently informed to say, that large amounts of capital owned by our citizens have gone from our State to seek for more profitable investments in other States, where the rates of interest are not restricted as by our law, and that such will continue to be the case, to our serious detriment. It may be doubted whether at this time capital employed in most business enterprises in this State paying a greater rate of interest than that now fixed by law, can be reasonably expected to remunerate the employer. But however this may be, it may still be well questioned whether the State should step in and undertake to say what contracts may or may not be entered into by her citizens, or upon what terms they may engage in any business enterprise. Without expressing a decided opinion as to the policy of our existing laws, the subject is one of importance, and as such, I recommend it to your careful consideration.

I transmit herewith reports made to me by my request, by the Presidents of the Atlantic and North-Carolina Railroad Company, the Western North-Carolina Railroad Company, the Chesapeake and Albemarle Canal Company, and the Cape Fear and Deep River Navigation Company, the only works

in which the State is interested as a stockholder which are now, or have been, in a course of construction since the adjournment of the last Legislature.

These reports are not as full as they would have been had more time been allowed in their preparation; but they may serve to show the present condition of these works and of the companies.

In a short time I hope to be able to present to you additional reports from these companies, and also reports from other companies in which the State is a stockholder. I forbear to comment on these reports, as you will have ample opportunity to examine them when printed and laid before you.

I have so often expressed my opinions to the Legislature on the subject of internal improvements that I deem it unnecessary to repeat them here. Though we have incurred a heavy debt in the construction of works of the kind, it is not one by any means beyond our ability to pay.

Whether additional appropriations shall be made at this session and for what purposes, is a matter which properly belongs to you to determine, and with you I shall leave it.

During last summer a Board of Commissioners appointed by the Secretary of the Navy, under a resolution of the Senate of the United States, visited the Deep River country with a view of ascertaining its suitability as a location for Government Machine Shops for the manufacture of Machinery for the United States Navy. At the head of this Commission was Capt. Charles Wilkes, of the Navy, a gentleman distinguished not only in the line of his profession, but as a scientific explorer. I felt it my duty, in connection with many of our citizens, to extend to these gentlemen such civilities as I could offer.

A report will be made by them to the next Congress of the United States, and I have every reason to believe that it will be of the most satisfactory character, so far as the existence, in that region, in the greatest abundance, of iron, coal and other necessities for a government establishment of the kind, is concerned. Indeed, the examinations made during the

present year, not only by scientific men, but by those having a practical knowledge of such matters, have tended more and more to bring to light the immense mineral resources of that remarkable region.

Some of these gentlemen I have seen and conversed with, and all concur in these opinions, and especially as to the existence there of immense quantities of the most valuable kinds of iron ore. To develope this wealth, however, there was but one opinion also as to the necessity of proper means for its transportation. With adequate Railroad and water facilities, no doubt was entertained by any of them as to the rapid development of the coal and iron interest, and that it would be speedily followed by others almost as important.

I deem it my duty to call your attention to the condition of our militia system. I regret to say that we have now scarcely any military organization in the State, except what is to be found in a few volunteer companies. But few Regiments exist that have officers, or that are called out at any time to perform military duty. Should an emergency arise, requiring the employment of any considerable military force, we should, for a time, be almost powerless for want of any organization. If a well regulated militia be of the first importance in our system of government, (and such has been the opinion of our wisest men, both civil and military,) then something should be done to infuse vitality into that of our State, so as to place it in a condition, if not of positive efficiency as a military body, at least in one in which it might be made available, and its efficiency improved as occasion may require. I have no expectation that under our present laws or any amendments thereto likely to be adopted, any high degree of military discipline or skill in the drill of the soldier can be attained. Nevertheless, I entertain as little doubt that if our present laws, with some modifications, were enforced, the system might be placed upon a respectable and useful footing. Our present system has been, practically speaking, without a head; and I assume it as a fact which I believe cannot be successfully controverted, that no military organization can be maintained without an active and effi-

cient head. Nominally, the Governor of the State is the Commander in Chief of the militia, and the organization of the system seems to have been designed by our laws to be maintained through and by means of an Adjutant General appointed by him. But the pay of that officer, (two hundred dollars *per annum*.) is so small, that no one can expect him, under existing circumstances, to devote but a small portion of his time to his military duties.

To give efficiency to the office, the pay should be such as to enable him to devote the whole or the greater part of his time to its duties, visiting such parts of the State as might from time to time require his presence, and infusing vigor where laxity prevailed—reporting to the Governor as often as necessary the condition of things, whose duty it should be to cause the laws to be enforced and to maintain a general supervision over the whole system. This, with a simpler and more direct and easy manner of vacating the offices of generals of divisions and brigades, and causing new elections to be held to fill such vacancies where the holders of such offices failed to equip themselves and review their respective commands, as required by law, would, I believe, soon restore the organization which has been lost, and open the way for further improvements. It is also believed by many, and in that opinion I concur, that a serious blow was struck to our militia system by exempting from ordinary military duty all above the age of thirty-five instead of forty-five years.

I submit these views with the utmost deference. The subject is an important one, and I recommend it to your attention. Unless something is done the whole system had as well be abandoned.

In this connection I beg to renew the recommendation made by me to the last General Assembly, that the Governor of the State be empowered to furnish arms from the State arsenals for the use of such schools in the State as may apply for them, bonds being given for their safe keeping and return, as now required of volunteer companies.

I transmit herewith the report of the directors of the Insane Asylum. The report contains important suggestions

and recommendations which will no doubt receive, as they deserve, your careful consideration.

The last Legislature repealed the law imposing a tax of one and three-fourth cents on every hundred dollars worth of land, and five and one-fourth cents on every taxable poll for the support of the Asylum; and, for that purpose, appropriated twenty thousand dollars for each of the years 1857 and 1858, to be paid out of the treasury. No provision was made to raise the forty thousand dollars appropriated, save that the several counties having patients in the Asylum were required as they had been before, through their county courts, to levy the amounts charged and due for their support, and cause them to be collected and paid into the public treasury with other public taxes.

On the first of July last, the Superintendent of the Asylum reported to the public treasurer the counties having patients at the institution, and the sums respectively due by them, amounting in the aggregate to the sum of \$17,954.57, of which the Sheriffs paid in with the public taxes before the end of the last fiscal year, the sum of \$7,109.62, showing that the counties are yet in arrears for patients at the institution, to the 1st July last, \$10,844.95, without including anything for the support of the patients since that time. This fact fully proves that under the existing law, the counties cannot be safely relied upon to reimburse the treasury in such cases.

It is true that the law provides that if the tax shall not be paid by any county within twelve months after it is due, the president and directors of the Literary Fund shall deduct the amount thereof from the share of such county in the common school fund, next to be distributed, and pay the same to the public treasurer.

This, itself, would be a serious evil, as it would deprive the common schools of part of the very inadequate sums now set apart for their support. And besides, should a county fail to pay, it will be at least eighteen months after a patient is sent to the Asylum before the State can realize anything in this way for his support.

As the act of the last session was limited to two years in

its operation, further legislation will be required at this session. If the Legislature be disinclined, as it has been heretofore, to make the Asylum a charge upon the State at large, then, it seems to me that some more efficient means should be adopted to enforce prompt payment by the counties, otherwise the support of the institution will seriously embarrass the operations of the treasury.

I apprehend that it will be found difficult, in practice, to have a State tax in a county, levied and collected promptly, through the agency of the county courts. Such mode of levying and collecting a *State* tax would seem to be an anomaly. I can see no means of effecting a prompt collection of such a tax on counties except through the direct intervention of the officers of the State.

Should the tax be continued on land and polls, the means would be furnished in the Comptroller's Office, of ascertaining what *per centum* upon the lands and polls of any county would raise the amount due to the State by that county. By the law, as it now is, the Superintendent of the Asylum is required to notify the Public Treasurer of the amounts due by the several counties. It seems to me that a law may be so framed as to have the rate of tax ascertained on land and polls, (being always sufficient to cover any loss for insolvents,) and that being reported to the Public Treasurer, it may be made his duty to issue a warrant to the Sheriff of the county, whose duty it may be made to collect the tax.

I submit these suggestions for your consideration. Of course the details should be such as to protect the counties as well as the State, requiring the Sheriffs to pay to the State only the amount due and to account for any overplus collected to the counties.

The reports of the Superintendent of Common Schools for the last and present year will be laid before you, to which I refer you for information as to the schools. That officer, with his usual industry, soon after the rise of the last Legislature, made a digest of the laws on the subject of Common Schools, a large edition of which, as well as of the laws in full, was published by the Literary Board and generally disseminated

through the State. With much skill and care he also prepared a Common School Register, which was published by order of the Board in sufficient numbers to furnish one copy to each school in the State. The cost of this publication was considerable, but the Register will last for six or eight years, and will tend greatly to promote order in the schools and uniformity in the system throughout the State. I have every reason to believe that the system is an improving one, and that we shall realize from it the most beneficial results. Experience has shown from time to time wherein our Common School laws were defective. The legislation of the last session, I am informed, had a salutary effect in curing some abuses, and some further legislation may be necessary. But I prefer to make no particular recommendations on the subject, as the Superintendent, from his knowledge of the practical working of the system, is better qualified than I am to suggest such amendments as are necessary. The amount distributed by the Literary Board for the last two years for Common Schools, was the same as that for several preceding years: that is to say, about the sum of \$180,850 *per annum*.

I transmit herewith a certified copy of a law passed by the Legislature of the State of Virginia, proposing a joint commission to run and mark the dividing line between that State and the State of North-Carolina, from the point where the dividing line between Pittsylvania and Henry counties, in the State of Virginia, intersects with the North-Carolina line, to the Western limit of this State.

It will be seen by reference to the map of this State, that the proposed starting point is in the northern boundary of the county of Rockingham, and that the line extended west passes also along the northern boundary of the counties of Stokes, Surry and Ashe.

I am not informed whether the whole boundary between the two States, east of the proposed starting point, is known and undisputed.

It is hardly necessary for me to say that it is highly important that the boundary between the two States should be well settled and defined. While it is in dispute, questions involv-

ing the rights and duties of citizenship, as well as title to property, will frequently arise, and it will moreover be exceedingly difficult to bring offenders against the criminal laws to justice, because, in every indictment, it is necessary to aver that the offence was committed in some one county in the State, and to prove the averment as laid before a conviction can be made. The very imperfect manner in which the dividing lines between the older States of the Union were originally run and marked, has been the source of no little trouble and contention.

Our Bill of Rights sets out the boundaries of the State, and after describing the southern boundary, proceeds as follows :

“Therefore all the territories, seas, waters, and harbors, with their appurtenances, lying between the lines above described, and the southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west agreeable to the said charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty, any partial line without the consent of the Legislature of this State, at any time thereafter directed, or laid out, in anywise notwithstanding.”

After receiving the proposal from the authorities of Virginia, I was induced to examine our early archives with a view of ascertaining what evidence they might furnish from which the line between this State and Virginia, as originally run, might be ascertained.

It appears that after many difficulties and disagreements between the authorities of the two provinces, an agreement was made, subsequently sanctioned by the King, in council, for the running of the line, and that Wm. Byrd and others on the part of Virginia, and Christopher Gale and others on the part of North-Carolina were appointed commissioners for that purpose. The line was commenced in the month of March, 1728, on the north side of Currituck inlet, which, by observation, was ascertained to be in about thirty-six degrees, thirty-one minutes north latitude. From thence the line was extended due west, making allowance for the variation of the

compass, to the Chowan river, which was intersected about half a mile north of the mouth of the Nottoway. The line was then turned down the Chowan to the mouth of the Nottoway, according to the agreement, and, from the middle of the mouth of the Nottoway, was again extended, due west, to the west side of the Meherrin river, about two miles from the point where it was first intersected, the line crossing the river three times in that distance. Here the commissioners agreed to suspend further operations until the ensuing fall, having first made out and signed duplicate maps, and descriptive reports of the line.

A full report, as to this part of the line, is to be found in the journal of the proceedings of the governor and council under the proprietary government, now in the office of the secretary of state. I have not been able to find any account or report of the extension of the line farther west among our archives, which, however, at that early day are quite incomplete. It is highly probable, as the proprietary government ceased soon after, that the subsequent reports of the commissioners were transmitted to the royal government and can only be found among the papers of the colonial office in England.

William Byrd, one of the Virginia commissioners, left a very full and interesting account of the extension of the line, not published until the year 1841, (under the title of "West-over Manuscripts,") and from which it appears that the commissioners resumed their work in the month of September, 1728, and extended the line, conjointly to a point on Hico river, now in the county of Person, I believe, when the North-Carolina commissioners and one of the Virginia commissioners declined to go farther, on the ground that they were already far in advance of the settlements, and that duplicate maps of the line were made out and signed as before, and the North-Carolina commissioners returned home; whereupon the Virginia commissioners alone continued the line some seventy-two or three miles farther west, crossing the Dan several times, and further on a large stream which they called the Irvin, and terminating not far from the mountains, on "a rivulet which ran with a swift course towards the south,"

making the whole distance as computed by them, from the sea shore to the *terminus* of the line, two hundred and forty-one miles and three hundred and two poles. This terminus I believe to be in the present county of Stokes. The writer further states, that posts were put down to show the line at the crossing of the roads, but through the forests the line was merely chopped on the trees.

Subsequent accounts state that the line was extended about the year 1749, by Joshua Frye and Peter Jefferson, on the part of Virginia, and Daniel Weldon and Wm. Churton on the part of North-Carolina, from Peters' creek to Steep Rock creek. Peters' creek is probably the same stream, or near the same stream as that upon which the former commissioners on the part of Virginia terminated their line. I have not been able to ascertain whether "Steep Rock creek" is east or west of the present western boundary of the State, nor to find under what authority the Commissioners last named acted, in extending the line. It seems, however, to have been indirectly sanctioned by the General Assembly of this State in 1779. See Rev. Stat. Vol. 2, p. 82, whereby Richard Henderson and others were appointed Commissioners to act with others from Virginia, to extend and mark the line between the two States, "beginning where Joshua Frye and Peter Jefferson, Commissioners on the part of Virginia, together with Daniel Weldon and Wm. Churton, from North-Carolina, formerly appointed to run the said line, ended their work, and if that be found to be truly in the latitude of thirty-six degrees thirty minutes north, then to run from thence due west to Tennessee or the Ohio River; or if that be found not to be truly in the latitude of thirty-six degrees thirty minutes north, then to run from said place due north or due south into said latitude, and thence due west to the said Tennessee or Ohio River."

Thomas Walker and William Smith were the Commissioners on the part of Virginia. I have not been able to find any report from the North-Carolina Commissioners. A report made by the Virginia Commissioners may be seen in Henning's Statutes at large—Vol. 9, p. 561. It seems from

that, that the Commissioners could not find the *terminus* of Frye and Jefferson's line on Steep Rock Creek, owing, as they supposed, to the dying of the timber. They proceeded, however, to ascertain the proper degree of latitude on that creek by astronomical observation, and from that point computed the distance from Currituck Inlet to be, in superficial measure, 329 miles—and, making abatement for uneven ground, 317 miles, “or five degrees, forty-two minutes west of Currituck Inlet.” They then proceeded to run the line west. The result was that the Commissioners of the two States differed in running the line, and two lines were run, known subsequently as Henderson's and Walker's lines. In 1791, however, the line called Walker's seems to have been adopted by both States, with provision that the oldest grant from either State for land, within the disputed lines, should give title to the claimant. Henn. Stat. Vol. 13, p. 258.

I have thought proper, at the hazard of being considered tedious, if not presumptuous; to go at some length into the history of our northern boundary. Much, if not the whole, of the line now proposed to be re-established, is, I am informed, in dispute. It may be that other portions of the line are also the subject of controversy. If so, these ought also to be well defined. I would respectfully recommend, therefore, that the proposal on the part of the State of Virginia be acceded to, with such modifications, if any, as may be deemed necessary, and that competent Commissioners be appointed by the Legislature or the Governor of the State, under authority given him to do so, clothed with ample powers to run the line where it is in dispute, and settle the boundary between the two States. Permanent land-marks should be required to be put along the line.

During the present year, Dr. Emmons, State Geologist, submitted a report on the Agriculture of the State, and the subject being one of very general interest, the Literary Board deemed it advisable to cause two thousand copies to be published. About 624 copies of the former report are yet on hand. By some means the resolution before the last General Assembly ordering the distribution of this report, was mislaid

in the hurry of the last moments of the session and did not pass. I deemed it expedient, however, in accordance with the terms of the resolution, to send copies to the several States and Territories, to some literary and scientific institutions, and also to a few individuals who applied for copies and who it was thought would make a good use of them. Some have been sold and the proceeds will be accounted for by the Agent in making sales. The residue on hand, and the whole number of the Agricultural Report are subject to your disposition.

The cabinet of minerals and geological specimens in the Capitol has been greatly enlarged and improved, and is well worth examination, not only by the scientific and those curious in such matters, but by every one taking an interest in the mineral resources of the State. The opportunities for collecting many fine specimens are ample, and it was suggested to me by Dr. Emmons, that he be allowed to collect and add to the cabinets of the University, and other Colleges of the State, which might well be done, and which I recommend to your favorable consideration.

When the last revisal of our laws was made, a resolution was passed by the General Assembly, requiring the Governor, among other things, to distribute one copy of the Revised Code to each of the Magistrates of the State. The resolution, in its terms, confined the distribution to such as were then acting justices, and excluded all such as might subsequently qualify. The Governor was also authorised to make sale of other copies. So far, the sales have been small, and of the edition of ten thousand copies, which was published, more than half remains on hand, and unless provision is made for their safe keeping, by opening the boxes and storing the books, they are liable to be damaged by worms and other causes. As many magistrates have since qualified, and as they receive no compensation for their services, I recommend that a further distribution be made of the Code, among those who have been appointed since the former distribution was made, and who are now acting as justices to their respective counties.

I transmit, herewith, a letter from Tandy Walker, acting

Governor of the Choctaw Nation, requesting that our laws and Supreme Court Reports be furnished for the use of the Choctaw government. It is a highly gratifying fact to see the improvement made by the Choctaws in the arts of civilization, and I doubt not it will give you pleasure to comply with the request of Mr. Walker, by authorizing the Governor of the State to send our laws and reports to the Choctaws in the same manner that they are sent to the several States of the Union.

My attention has been called by citizens residing in the western portion of the State, and who were purchasers of what were known as Cherokee lands, in the counties of Cherokee and Macon, to what they consider as a hardship, so far as they are concerned.

It was alleged that the lands were purchased at prices far above their value, and the State was appealed to to remit such excess. By the act of 1850-'51, commissioners were appointed to value the lands, and in accordance with the provisions of the act, the excess of the purchase money over the value of the lands was credited upon the bonds of the purchasers, then in the hands of the agent of Cherokee bonds. It seems that the act, in its terms, applied only to those who had not paid their bonds as they fell due--and consequently those who had promptly paid the full amount of their purchases got no relief. These persons now ask the State to refund to them the excess paid by them, out of the fund in the hands of the agent, or in some other way, and it seems to me that if those who had not paid were entitled to relief, the others who had paid promptly have still stronger claims upon the justice and liberality of the State.

Without repeating the reasons, therefor, which I gave in a former message, I again recommend the creation of an additional judicial circuit in the State.

The improvements in the grounds of the capitol square, ordered by the last legislature, have been made, and those directed to be made in the capitol are under the charge of Mr. Percival, a competent architect, and will be completed in a few days. This work would have been done at an earlier

day but for the difficulty in procuring a person to do it properly.

It was found, after the grounds were laid out, that they could not be used as they had before been, as a place of deposit in the winter season for firewood for the supply of the capitol, without destroying, in a great degree, such improvements as had been made. After consulting with the board of public buildings, it was deemed advisable by me to have erected a house for storing of wood. The expense of making the improvements was thereby increased to a small amount, which, however, will be more than saved to the State in a few years by securing the wood, large quantities of which were stolen and carried from the premises every winter before the house was erected.

Some person should be employed to keep the grounds and walks in proper order, and I recommend that a small annual appropriation be made for that purpose, or that the board of public buildings be authorized to contract for the same, and draw upon the treasury for the amount necessary.

I transmit herewith two sets of resolves from the State of Maine, and one from the State of New Hampshire, upon the subject of slavery and matters connected therewith. I have not thought proper to withhold these resolutions, for it is your province and not mine to determine what action, if any, should be taken upon them. I think, however, that they are of such a character as not to merit any notice by the legislature of the State.

Before concluding this, my last regular message to the General Assembly, I avail myself of the occasion to express my grateful sense of the honors heretofore conferred upon me by the people of the State.

If, in the discharge of my official duties, I have sometimes failed to give satisfaction to all, it is but what I expected when I assumed the responsibilities of office.

Others, no doubt, have served the State more ably and usefully than I have done. I hope, however, that I may be pardoned for saying that none have more sincerely had at heart whatever concerned her honor or welfare, or who have

been more disposed to maintain the one or promote the other.

I have only to add, that during that portion of your session, for which I shall remain in office, it will give me pleasure, at all times, to render you such aid as I can in the discharge of your legislative duties.

THOMAS BRAGG.

Which being read,

On motion of Mr. Badham,

The same was ordered to be sent to the Senate, with a proposition to print ten copies of the message and one of the documents for the use of each officer and member of the General Assembly.

Mr. Caldwell, from the committee to superintend the election of Public Printer, reported that there had been 152 votes cast in the same, of which Holden & Wilson had received 104, and John W. Syme 46 ; and that Holden & Wilson having received a majority of all the votes cast, had been duly elected.

A message was received from the Senate, proposing to raise a joint committee of two on the part of the Senate and three on the part of the House, to enquire and report upon warming and lighting the two halls of the capitol, with leave to report by bill or otherwise ; which, being concurred in, the Speaker appointed Messrs. Fleming, Jones and Meares, on the part of the House.

The Senate further proposed, by message, a joint special committee of eight on the part of each House on the subject of finance ; which was, on motion of Mr. Bridgers, laid upon the table ; and then,

On motion of Mr. Outlaw,

It being one o'clock, P. M., the House adjourned until tomorrow morning, at 10 o'clock.

WEDNESDAY, NOVEMBER 17, 1858.

The following petition was introduced and read, viz:

By Mr. Caldwell, of Burke: The petition of J. C. Esters and others, asking an appropriation in aid of a public road in Watauga.

The unfinished business of yesterday, being the resolution of Mr. Ferebee, concerning the opening of the sittings of the House with prayer, was now taken up, and the question being, "Shall the resolution be adopted?" it was

Decided in the affirmative—Yeas 99

Nays 12

On motion by Mr. Ferebee,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Brummell, Bryan, of Craven, Bryan, of New Han., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of Burke, Caldwell, of Guil., Chambers, Clapp, Costner, Cox, of Jones, Craven, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Fari-bault, Farrow, Ferebee, Fleming, Foy, Gaither, of Iredell, Gardener, Gatling, Gentry, Green, of Chatham, Green, of Franklin, Hall, of Rowan, Hall, of Warren, Hargrove, Harrington, Henry, Higgins, Holdsclaw, Jones, of Orange, Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Meares, Moore, of Chatham, Moore, of N. Hanover, Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Bridgers, Cox, of Pitt, Dancy, Fries, Haywood, Hester, Hill, of Halifax, Hill, of Stokes, Hutchins, Masten, Moore, of Martin, and Thompson.

Bills, etc., of the following titles, were introduced, read,

passed the first reading, and were respectively referred, filed for the second reading, or otherwise disposed of, as follows:

By Mr. Walser: a bill (No. 1) to remove free persons of color beyond the limits of the State. Laid upon the table and ordered to be printed.

By Mr. Badham: a bill (No. 2) to exempt one slave from execution.

By Mr. Green, of Franklin: a bill (No. 3) to amend an act concerning the Revised Code.

By Mr. Watters: a resolution (No. 4) to pay W. W. Wright mileage and per diem.

The Speaker laid before the House the annual report of D. W. Courts, Public Treasurer, and the reading of the same being dispensed with, it was, on motion of Mr. Caldwell, of Burke, sent to the Senate with a proposition to print.

Mr. Badham moved that a message be sent to the Senate, proposing to that body that the two Houses forthwith proceed to the election of one Engrossing Clerk; and the question being thereon, it was decided in the affirmative, there being counted in the affirmative 60 votes, and in the negative 34 votes. The message was sent to the Senate, and a message in reply thereto was received concurring therein, and naming Messrs. Lankford and Carmichael on the part of the Senate to superintend the election. Whereupon, the Speaker appointed Messrs. Badham and Benbury on the part of the House.

The election being held resulted as follows: The following members voted for LEWIS W. JOYNER, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of Craven, Bryan, of New Hanover, Bryson, Bullock, Burns, Burke, Chambers, Costner, Cox, of Jones, Dancy, Dickson, Drake, Dula, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of Franklin, Hall, of Rowan, Hall, of Warren, Hargrove, Harrington, Haywood, Hester, Hill, of Halifax, Hill, of Stokes, Higgins, Holdslaw, Hutchins, Jones, of Craven, Jones, of Orange, Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of Chatham, Moore, of Martin, Moore, of New Hanover, Norman, Norwood, Pritchard, Reagan, Reeves, Ripley,

Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Watson, Whitfield, Wilson and Williams—78.

The following voted for CALEB N. HILL, viz :

Messrs. Benbury, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Cox, of P., Dockery, Eller, Fagg, Farrow, Ferebee, Gaither, of I., Henry, Leak, McCotter, Meares, Morehead, Morgan, Newby, Purdie, Sanders, Simonton, Sparrow, Speer, Thornburg, Waddill, Watters, Windley and Woodfin—29.

The following voted for JOSEPH SMALL, viz :

Messrs. Brummell, Green, of C., Martin, Taylor, Walser and Craven—6.

Mr. Caldwell, of Burke, moved that a message be sent to the Senate, proposing that the two Houses forthwith hold an election for United States' Senator to fill the unexpired term of the Hon. Asa Biggs, resigned ; and the question being thereon, it was

Decided in the negative—Yeas	35
Nays	77

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Green, of C., Henry, Leak, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Costner, Cox, of J., Dancy, Dickson, Drake, Dula, Fagg, Fari-bault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdscraw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritch-

ard, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

The Senate, by message, informed the House of their concurrence in the proposition to print ten copies of the message for each member, &c., of the General Assembly, and that Mr. Humphrey had been appointed on their part on the committee upon warming and lighting the capitol.

Mr. Watters having introduced the following resolution, (H. R. 4.)

Resolved, That the public treasurer pay W. W. Wright, assistant doorkeeper, his mileage and one day's attendance on the House at the opening of the session,

And the same having been read the first time and passed the first reading, and put upon the calendar for the second reading,

On motion of Mr. Hill, of Stokes,

The rules were suspended, and the resolution read the second time, and the question being "Shall the resolution pass the second reading?" it was

Decided in the negative—Yeas 5

Nays 106

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz :

Messrs. Bryan, of C., Byrd, Gardener, Love, Watters.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dockery, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Lyon, McCotter,

McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

On motion of Mr. Ferebee,

Ordered, That a message be sent to the Senate, proposing to raise a joint committee of three on the part of the House, and two on the part of the Senate, whose duty it shall be to take into consideration that part of the Governor's message which relates to the State Geologist and his report, and that they report by bill, resolution or otherwise.

And the message was sent accordingly.

Mr. Badham, from the committee to superintend the election of Engrossing Clerk, reported that 159 votes had been cast in the election; that Mr. Joiner had received 117, Mr. Hill 31, and Mr. Small 11; and that Mr. Joiner, having received a majority of all the votes cast, had been duly elected.

On motion of Mr. Kerr,

And at 12½ o'clock P. M., the House then adjourned until to-morrow morning, 11 o'clock.

THURSDAY, NOVEMBER 18, 1858.

Mr. Atlas J. Dargan, a member from the county of Anson, appeared, was qualified and took his seat.

Mr. Kerr, from the committee on Rules, reported the following amendments to the rules of last session, viz:

Rule 4. Strike out all after the word "No" in line 4, and substitute as follows: "Upon a call for division, the Speaker shall count; if required, he shall appoint tellers."

Rule 28. Add "and no motion to re-consider shall be taken from the table except by a two-thirds vote."

And the following additional rule, viz:

Rule 56. "A certain day of each week shall be set apart for the consideration of Private Bills."

And the question being shall this report be adopted,

Mr. Hill, of Stokes, offered the following amendment, viz :

"The previous question shall be in this form : "Shall the main question be now put ?" It shall be only admitted, when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate of the main question."

"On a previous question, there shall be no debate. All incidental questions of order arising after a motion is made on the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate."

Mr. Dortch moved to amend the amendment as follows :

Strike out "a majority" and insert "two-thirds."

And it was adopted; and the question, being upon the amendment as amended, was put

And decided in the negative—Yeas..... 55

Nays..... 57

On motion of Mr. Outlaw,

The yeas and nays were ordered; and the following members voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryan, of C., Bryan of N. H., Bullock, Costner, Cox, of J., Dancy, Dickson, Dortch, Faison, Faribault, Fleming Foy, Fries, Gardner, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Lefers, Lewis, Long, Lyon, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Pritchard, Ransom, Ripley, Roney, Speight, Standford, Tomlinson, Wallace, Watters, Watson, Whitfield, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baxter, Benbury, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of I. Gatling, Gentry, Green, of C., Henry, Higgins, Kerr, Leak, Love, McCotter, McKay, Martin, Meares, Morehead,

Morgan, Newby, Norwood, Outlaw, Purdie, Reagan, Reeves, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Speer, Sparrow, Stephens, Taylor, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Windley and Woodfin.

The question then recurring upon the report; and being put, the same was adopted.

Mr. Bridgers, from the joint committee on rules, reported several amendments to the Joint Rules of the last session, which, being adopted, were,

On motion of Mr. Williams,

Sent immediately to the Senate, with a proposition to print one copy for each officer and member of the General Assembly.

Mr. Reeves presented the memorial of D. W. Cooper, and one thousand other citizens of the county of Surry, for the opening of Yadkin River; and

Mr. Baxter, the memorial of Mr. Hampton, and others, concerning Wild Fowl in Currituck; which were read and laid on the table.

The Senate informed the House, by message, that they had concurred in the proposition to print the Rules of Order and Constitutions.

On motion of Mr. Simpson,

Ordered, That a message be sent to the Senate, proposing to raise a joint select committee of five on the part of each House, to consider so much of the Governor's Message as relates to military affairs.

The message was sent accordingly.

Mr. Benbury offered the following:

Resolved, That when any bill asking for an appropriation by the State shall be referred to any committee of the House, and the said committee shall recommend its passage, it shall be their duty to report the ways and means by which said appropriation shall be raised, and it shall be considered a part of the original bill.

The question being, shall this resolution pass?

On motion of Mr. Norwood,

The same was laid on the table.

Yeas, 82

Nays, 28

On motion of Mr. Kerr,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dickson, Dortch, Drake, Eller, Fagg, Faison, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gatling, Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Jones, of C., Jones, of O., Kirby, Leak, Lewis, Love, Lyon, McCotter, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norwood, Outlaw, Purdie, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Simonton, Simpson, Smallwood, Speer, Speight, Stanford, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Ward, Watson, Whitfield, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Bryan, of C., Chambers, Dockery, Dula, Faribault, Farrow, Gardener, Haywood, Henry, Kerr, Leffers, McKay, Martin, Morehead, Morgan, Newby, Norman, Pritchard, Reagan, Sanders, Sparrow, Walker, Walser, Washburne, Watters, Williams and Windley.

Bills, etc., of the following titles were introduced, read the first time, passed, and were filed for the second reading, and ordered as follows, viz :

By Mr. Scales : a resolution (H. R. 5) in favor of the county of Alamance.

By Mr. Dortch : bill (No. 6) to prohibit the circulation of bank bills of a less denomination than three dollars.

By Mr. Dortch : bill (No. 7) to prohibit betting on elections.

By Mr. Baxter : bill (No. 8) for the protection of wild fowl.

By Mr. McKay : bill (No. 9) to aid in the construction and equipment of the Western Railroad.

By Mr. Moore, of N. H: bill (No. 10) to alter the mode of compensating members of the General Assembly.

By Mr. Moore, of M. : bill (No. 11) to increase the number of slave owners, and for other purposes.

By Mr. Sparrow: bill (No. 12) to amend the Revised Code, chapter 99, Revenue, with regard to tax-listers.

By Mr. Williams: bill (No. 13) to repeal Revised Code, chapter 114, Usury, and for other purposes.

By Mr. Foy: bill (No. 14) to charter White Oak Navigation Company.

Bills, etc., of the following titles were read the second time, passed, and filed for the third reading, or were otherwise disposed of, as follows:

H. 2, to exempt one slave from execution, being read the second time and the question being, shall the bill pass the second reading?

On motion of Mr. Badham,

It was referred, with all others of a like character, to a special committee of five, to be entitled the committee upon slaves and free persons of color.

The bill (H. 3) to amend an act concerning the distribution of the Revised Code then passed the second reading and was filed for the third reading.

The Senate informed the House of their concurrence in the proposition to print the usual number of the Treasurer's report; and also in the proposition to raise a select committee on such part of the Governor's Message as relates to the State Geologist, and that Messrs. Davidson and Donnell had been appointed on their part. Whereupon, the Speaker appointed Messrs. Norwood, Outlaw and Baird on the part of the House.

The Speaker laid before the House the report of Oliver H. Perry, State Librarian, and the reading thereof being dispensed with,

On motion of Mr. Hill, of Stokes,

The same was sent to the Senate, with a proposition to print the same number of copies as are usual, in which proposition the Senate concurred.

On motion of Mr. Dancy,

And by the order of the House, a message was sent to the Senate, proposing to go forthwith into an election of Secretary of State; and a reply was received concurring therein, and announcing the appointment of Messrs. Reinhardt and Worth to superintend the election on their part. The Speaker then appointed Messrs. Gardener and Speer, on the part of the Commons, and the election was immediately held with the following result, viz:

The following voted for RUFUS H. PAGE, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdscraw, Hutchins, Jones, of C., Jones, O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

Mr. Speer, from the committee on this election, reported that 159 votes had been cast in the same, of which Rufus H. Page received 151, W. H. Harrison 5, Charles B. Root 2, and A. M. Lewis 1; and that Mr. Page was duly elected.

Mr. Ferebee moved that a message be sent to the Senate, proposing to proceed forthwith into an election for United States' Senator, in the place of the Hon. Asa Biggs, resigned; and the question being thereon,

Mr. Hill, of Stokes, moved to amend the same by striking

out and inserting "an election for Comptroller;" and the question upon this amendment was put and

Decided in the affirmative—Yeas 77

Nays 35

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

And the following in the negative, viz:

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Green, of C., Henry, Leak, McCotter, Martin, Meares, Morehead, Morgan, Newby, Purdie, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

The question then recurred upon the motion as amended, and it being adopted, the clerk sent the message accordingly.

The messenger returned with the information that the Senate had adjourned; and then,

On motion of Mr. Simpson, at 12 o'clock 50 minutes, P. M., the House adjourned.

FRIDAY, NOVEMBER 19, 1858.

The Speaker announced the following committees, viz:

On Agriculture : Messrs. Dancy, Bullock, Clapp, Gentry, Long, Martin, Hill, of S., Lewis, Gatling, Purdie and Waddill.

On Education : Messrs. Hill, of H., R. K. Bryan, Faribault, Ferebee, W. F. Green, Taylor, Jones, of O., Masten, Fagg, Pritchard and Windley.

On Propositions and Grievances : Messrs. Baxter, Barbee, Walser, Byrd, Dixon, Dockery, Tomlinson, Reeves, Farrow, Hester and Cox, of Pitt.

On Claims : Messrs. Scales, Hall, of Warren, Baird, Washburne, Benbury, Bryan, of C., Chambers, Burke, Henry, Faison and Purdie.

On the Judiciary : Messrs. Kerr, Bridgers, Smith, Dortch, Norwood, Outlaw, Ransom, Badham, Fleming, Hargrove and Caldwell, of B.

On Internal Improvements : Messrs. Bridgers, Morehead, Ripley, Hall, of R., Smith, McKay, Love, Costner, Meares, Higgins and Sparrow.

On Privileges and Elections : Messrs. Watters, Ripley, Benbury, Hutchins, Kirby, Green, of C., Holdslaw, Leffers, McCotter, Brummell and Reeves.

On Private Bills : Messrs. Simpson, Lyon, Harrington, Gaither, of I., Moore, of N. H., Ragen, Sparrow, Foy, Gardner, Morgan, Woodfin, Newby, Moore, of M., and Sanders.

House Branch on Military Affairs : Messrs. Simpson, Dargan, Fagg, Whitfield and Roney.

House Branch on Finance : Messrs. Fries, Morehead, Bridgers, Thompson, Leak, Haywood, Smith and Bryan, of New Hanover.

On Slaves and Free Persons of Color : Messrs. Badham, Caldwell, of B., Outlaw, Norwood and Dortch.

Mr. McKay presented a memorial in regard to the Western Railroad Company, and, on his motion, the same was, together with the bill (H. 9) to aid in the construction and equipment of the Western North Carolina Railroad, ordered to be printed and referred to the committee upon internal improvements.

On motion of Mr. Walker, it was

Resolved, That our Senators and Representatives in the Congress of the United States be requested to use their influence in favor of the passage of a law granting pensions to the soldiers of the war of 1812, with Great Britain, and of the wars with the Indian tribes; and that the Governor be requested to send each of the said Senators and Representatives a copy of this resolution.

Previous to which, Mr. Byson moved that the resolution be printed, and it was not agreed to.

Bills, etc., of the following titles, on the table, were respectively referred as follows :

On motion of Mr. Dortch,

H. 6, to prohibit the circulation of bank bills of a denomination less than three dollars, to the committee on the judiciary.

H. 7, to prohibit betting on elections, to the same committee.

On motion of Mr. Caldwell, of Burke,

The memorial of J. C. Esters, and others, concerning a public road in Watauga, was referred to the committee on internal improvements.

On motion of Mr. Green, of Franklin,

H. 3, to amend an act concerning the Revised Code, to the committee on propositions and grievances.

On motion of Mr. Baxter,

H. 8, for the protection of wild fowl, to the same committee.

On motion of Mr. Caldwell, of Burke,

H. 10, to alter the mode of compensating members of the General Assembly, to the same committee.

On motion of Mr. Moore, of Martin,

H. 11, to increase the number of slave owners, and for other purposes, to the special committee on slaves and free persons of color.

On motion of Mr. Caldwell, of Guilford,

H. 12, to amend the Revised Code, chapter 99, title Revenue, with regard to tax listers, to the committee on finance.

On motion of Mr. Williams,

H. 13, to repeal Revised Code, chapter 114, title Usury, and for other purposes, to the committee on the judiciary.

On motion of Mr. Foy,

H. 14, to charter White Oak River Navigation Company, to committee on internal improvements.

Bills, and resolutions in the nature of bills, were introduced, read the first time, passed the first reading, and were respectively ordered and referred as follows:

By Mr. Moore, of Martin: Resolution (H. R. 15) in favor of L. S. Webb, and others. Referred to committee on claims.

By Mr. Caldwell, of Burke: Resolution (H. R. 16) in favor of Donald Frazer. To the same committee.

By Mr. Reeves: A bill (H. 17) to open the Yadkin and Pee Dee rivers to the passage of fish.

By Mr. Dortch: Bill (No. 18) to provide for a mechanics' lien.

By Mr. Shaw: Bill (No. 19) concerning the establishment of a penitentiary.

By Mr. Badham: Bill (No. 20) to repeal an act concerning courts in Chowan county.

By Mr. Eller: Bill (No. 21) to extend the time for registering deeds and conveyances.

By Mr. Simonton: Bill (No. 22) to extend the corporate limits of Statesville.

By Mr. Purdie: Bill (No. 23) to amend the Revised Code, chapter 34, section 114, title crimes and punishments.

By Mr. Ferebee: Bill (No. 24) to revive an act in favor of Wm. R. Abbott.

H. R. 5, in favor of the county of Alamance, was read the second time, and the question being: 'Shall this resolution pass the second reading?'

Mr. Scales moved to amend the same by adding as follows: "And that the treasurer be hereby authorized to pay for the same out of any moneys in the treasury not otherwise appropriated." And, upon a division, it appeared that the amendment was adopted.

Mr. Dortch then moved to amend by inserting in the resolution the words "Wilson, Forsythe and" before the word

"Alamance;" and the question being thereon, Mr. Benbury moved to add "Tyrrell;" and the question being upon the amendment to the amendment, Mr. Harrington moved to add "Harnett," Mr. Fagg "Madison," and Mr. Holdsclaw "Watauga;" which last three motions being declared not in order, Mr. Scales adopted the two first, and also the amendment to the amendment, and the amendment offered by Mr. Dortch, and, the question recurring upon the passage of the resolution the second reading,

On motion of Mr. Outlaw,

The same was indefinitely postponed.

On motion of Mr. Hill, of Halifax,

The House reconsidered the vote by which the resolution of Mr. Walker, to instruct our Senators and Representatives in Congress to demand pensions for the soldiers of certain wars, therein mentioned, had this day been adopted; and then,

On motion of Mr. Hill, of Halifax,

The resolution was laid on the table.

On motion of Mr. Hill, of Stokes,

A message was sent to the Senate, proposing to go forth-with into an election for comptroller.

A message was received from the Senate, proposing to add the following committees to the joint standing committees provided for by the 12th joint standing rule, viz: A committee on the Lunatic Asylum; on the Deaf, Dumb and Blind Asylum; on Military Affairs; on Swamp Lands; on Cherokee Lands; and on Western and other Turnpikes; and that said committees consist of three on the part of the Senate and five on the part of the House.

The Senate also proposed to print with the rules a list of the members of the General Assembly, with the districts and counties they represent, and also a list of standing committees, and that they be bound under one cover. Also that the proposed committee on Cherokee lands, etc., be authorized to propose such legislation as they may deem necessary. In all of which the House concurred.

Mr. Meares moved to send a message to the Senate, pro-

posing to proceed forthwith to the election of a United States Senator in the place of Hon. Asa Biggs, resigned; and upon that motion, he called for the yeas and nays.

Mr. Dortch moved that the motion be postponed until Tuesday next, at 12 o'clock.

Mr. Bridgers then moved to lay the same motion upon the table, and the question thereon was put and

Decided in the affirmative—Yeas..... 75

Nays..... 36

On motion of Mr. Thornburg,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz;

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of Craven, Bryan of N. H., Bryson, Bullock, Burke, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hester, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Green, of C., Haywood, Henry, Leak, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Walker, Walser and Windley.

The Senate having concurred in the proposition to go immediately into an election of Comptroller, and appointed Messrs. Battle and Cowper on their part, the Speaker appointed Messrs. Hill, of Stokes, and Dockery, on the part of

the House, to superintend the election; and it was held with the following result, viz :

The following members of the House voted for CURTIS H. BROGDEN, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Chambers, Costner, Cox, of J., Dancy, Dargan, Dickson, Dortch, Drake, Dula, Fagg, Faison, Fari-bault, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Speer, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Wilson, and Williams—87.

And the following for NATHAN A. RAMSAY, viz :

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Greene, of C., Henry, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Simonton, Sparrow, Taylor, Thornburg, Waddill, Windley and Woodfin—26.

Mr. Shaw moved that H. 19, concerning the establishment of a penitentiary, be printed; and it was not adopted.

On motion of Mr. Hill, of Halifax,

Resolved, That the Speaker appoint a special committee of seven members, to be styled "the Committee on Corporations and Currency."

At 12 o'clock, 45 minutes, P. M., Mr. Badham moved the House adjourn until to-morrow morning, at 11 o'clock.

Mr. Caldwell moved to amend by inserting 12 o'clock, and it was adopted; and the question being upon the motion, it was not adopted.

Mr. Dockery, from the committee to superintend the election of Comptroller, reported that 157 votes had been counted

in said election, of which Curtis H. Brogden had received 118 votes, Nathan A. Ramsay 38 votes, and W. F. Collins 1 vote; and that Mr. Brogden had been duly elected.

At 12 o'clock, 52 minutes, the House, on motion of Mr. Hill, of Stokes, adjourned until to-morrow at 11 o'clock, A. M.

SATURDAY, NOVEMBER 20, 1858.

The Speaker announced the following committees, viz:

On Cherokee Lands and Western and other Turnpikes: Messrs. Bryson, Stanford, Walker, Dula and Thornburg.

On Swamp Lands: Messrs. Speight, Sparrow, Watson, Farrow and Stephens.

On the Deaf, Dumb and Blind: Messrs. Cox, of Jones, Speer, Kirby and Eller.

On the Lunatic Asylum: Messrs. Williams, Wallace, Craven, Blount and Burns.

On Corporations and Currency: Messrs. Hill, of Halifax, Dargan, Moore, of Martin, Jones, of Craven, Caldwell, of Guilford, Smallwood and Simonton.

Mr. Bridgers was excused from service upon the committee on internal improvements.

Mr. Foy introduced the following resolution:

Resolved, That the standing rule of this House, directing the Speaker to invite a minister of the gospel, selected alternately from one of the denominations in the city, to open the sittings of the House with prayer, be and the same is hereby rescinded.

Laid over one day under the rule.

Mr. Caldwell, of Guilford, offered the following:

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law as to abolish all warrantees in bills of sale for slaves; and that they report by bill or otherwise, at their earliest convenience.

And the question being thereon, it was not adopted.

On motion of Mr. Waddill,

The committee on privileges and elections were requested

to enquire into the right of members to a seat in this House, who are acting as Clerks and Masters in equity.

On motion of Mr. Simpson,

All that part of the Governor's message that relates to the assessment of lands and taxation was referred to the committee on finance.

Bills, etc., of the following titles were then introduced, read the first time, passed the first reading, and otherwise disposed of, as follows:

By Mr. Burns: bill (No. 25) to charter North-Carolina College at Mt. Pleasant. Referred to committee on corporations and currency.

By Mr. Dula: bill (No. 26) to authorize solicitors to administer oaths in certain cases.

By Mr. Drake: bill (No. 27) to amend the Revised Code, chapter 45, Executions and Exemptions. Judiciary.

By Mr. Dortch: bill (No. 28) to secure *femes covert* a separate estate in personalty. Judiciary.

By Mr. Gentry: bill (No. 29) to establish the county of Alleghany. Propositions and grievances.

By Mr. Thornburg: bill (No. 30) for the better regulation of the militia. Military affairs.

By Mr. Walser: bill (No. 31) to authorize the Governor to prepare the halls for the use of the General Assembly. Propositions and grievances.

By Mr. Foy: bill (No. 32) to charter a railroad from Beaufort harbor to the Coalfields. Internal improvements.

By Mr. Faison: bill (No. 33) to amend the Revised Code, chapter 99, Revenue and Sheriffs' Settlements. Judiciary.

By Mr. Badham: bill (No. 34) to amend the Revised Code, chapter 34, Crimes and Punishments. Judiciary.

By Mr. Baird: bill (No. 35) to charter the Black Mountain Turnpike Company. Internal improvements.

By Mr. Dula: bill (No. 36) to exempt certain property from execution. Judiciary.

By Mr. Badham: bill (No. 37) to amend the law concerning burglary. Judiciary.

Bills, etc., of the following titles were read the second time and passed the second reading, viz :

H. 20, to repeal an act to establish the times of holding county courts in Chowan.

H. 21, to extend the time of registering deeds and conveyances.

The Speaker announced that there was no other business upon the calendar, and that all the other bills thereon had been referred ; and he requested the chairmen of committees to call at the Clerk's office, and obtain the bills, etc., referred to them.

After which, and at 12 o'clock,

On motion of Mr. Outlaw,

The House adjourned until Monday at 11 o'clock, A. M.

MONDAY, NOVEMBER 22, 1858.

The Speaker announced that he had appointed Mr. McKay, of the committee on internal improvements, to the place on that committee made vacant by the resignation of Mr. Bridgers, and had appointed Mr. Drake to the place on the same committee vacated by Mr. McKay.

On motion of Mr. Walser,

Resolved, That the public treasurer report to this House, at the earliest practicable moment, the amount of State bonds issued and sold, and for what purpose, their dates, and whether at par, or for premium or at discount, and in what State they have been purchased and sold ; also at what time each bond will become due ; also the dates, amounts, places and terms of sale of all bonds endorsed by the State for railroad and navigation purposes ; and that the clerk of the House furnish the treasurer with a copy of this resolution.

On motion of Mr. Outlaw,

He was excused from further service upon the committee on the geological survey, etc., and Mr. Ferebee appointed to the vacancy.

On motion of Mr. Waddill,

Resolved, That the committee on privileges and elections be instructed to enquire whether E. G. Haywood, one of the members from Wake county, in the House of Commons, holds the office of Clerk and Master in Equity, and, if so, whether he is entitled to a seat in the House of Commons; that they further enquire whether Junius I. Scales, from Alamance county, had his residence in said county twelve months immediately before the election, and, if not, whether he is entitled to a seat in this House; that they further enquire whether Stephen E. Williams, of Caswell, had his residence in said county twelve months immediately before the election, and, if not, whether he is entitled to a seat in this House; that they further enquire whether Augustus Moore, of Martin, is twenty-one years of age, and, if not, whether he is entitled to a seat in this House; and, further, that said committee be authorized to send for persons and papers.

Bills, etc., of the following titles, were introduced, read the first time, passed the first reading, and were filed for the second reading, or referred, as follows, viz:

By Mr. Gardner: a resolution (H. R. No. 38) in favor of E. B. Long. Committee on claims.

By Mr. Williams: bill (No. 39) concerning wills and testaments. Judiciary.

By Mr. Williams: bill (No. 40) concerning internal improvements. Internal improvements.

By Mr. Williams: bill (No. 41) concerning slaves. Judiciary.

By Mr. Cox, of Pitt: bill (No. 42) regulating assignments for the benefit of creditors. Judiciary.

By Mr. Bryan, of N. H.: bill (No. 43) concerning the Wilmington and Weldon Railroad Company. Ordered to be printed and referred to committee on internal improvements.

By Mr. Fleming: bill (No. 44) to extend the term of the Superior Court of Rowan. Judiciary.

By Mr. Fleming: bill (No. 45) in favor of Solomon Klutts. Propositions and grievances.

By Mr. Walker: bill (No. 46) to amend an act concerning Nantahala river.

By Mr. Dancy: bill (No. 48) to correct the name of the county seat of Edgecombe. Private bills.

By Mr. Bryson: bill (No. 49) to charter the Cowee Mining and Manufacturing Company. Corporations and currency.

By Mr. Woodfin: bill (No. 50) to charter the Southern Mining and Manufacturing Company. Corporations and currency.

By Mr. Bryson: bill (No. 51) to charter the Wa-ye-hutta Mining and Manufacturing Company. Corporations and currency.

By Mr. Woodfin: bill (No. 52) to establish the county of Bragg. Proposition and grievances.

By Mr. Woodfin: bill (No. 53) to amend an act of 1854-'5, concerning entries and grants. Cherokee lands, &c.

The resolution of Mr. Foy, laid over yesterday, under the rule, was considered, and on motion of Mr. Eller,

Laid upon the table—Yeas..... 70

Nays..... 43

On motion of Mr. Eller,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bryan, of N.H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dargan, Dockery, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Gaither, of I., Green, of C., Green, of F., Hall, of W., Hargrove, Henry, Jones, of C., Leak, Leffers, Lewis, Love, Lyon, McKay, Martin, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Sparrow Speer, Stanford, Taylor, Thornburg, Waddill, Walker, Walser, Ward, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Blount, Bridgers, Brummell, Bullock, Burke, Cox, of J., Cox, of P., Costner, Dancy, Dickson, Dortch, Drake, Foy, Fries, Gardner, Gatling, Gentry, Hall, of R., Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins Holdselaw,

Hutchins, Jones, of O., Kirby, Long, McCotter, Masten, Ransom, Roney, Speight, Stephens, Tomlinson, Thompson, Wallace, Washburne, Watters, Watson, Whitfield and Wilson.

The Senate, by message, informed the House of the appointment of the following Senators to the Senate branch of the joint committee

On Finance: Messrs. Boyd, Bledsoe, Cowper, Steele, Flanner, Mills, Worth and Leach.

On Military Affairs: Messrs. Martin, Carmichael, Edney, Walkup and Davidson.

On the Deaf, Dumb and Blind Asylum: Messrs. Ramsay, Humphrey and Mills.

On the Lunatic Asylum: Messrs. Pitchford, Worth and Steele.

On Public Buildings and Grounds: Messrs. Humphrey and Flanner.

On Cherokee Lands and Western Turnpikes: Messrs. Thomas, Walkup and Dobson.

On the Library: Messrs. Pool, McKoy and Donnell.

Bills, etc., of the following titles, were read the second time, passed the second reading, and were filed for the third reading, or otherwise disposed of, as follows:

No. 24: A bill to revive an act in favor of W. R. Abbott.

On motion of Mr. Ferebee,

The rules were suspended, and the bill was read the third time, passed the third reading, and was ordered to be engrossed and sent to the Senate.

Bills, etc., of the following titles, were read the third time and passed the third reading, viz:

H. 20: A bill to repeal an act to establish the times of holding county courts in Chowan.

H. 21: A bill to extend the time for registering deeds and conveyances.

Ordered, That they be engrossed and sent to the Senate.

Mr. Benburry introduced the following:

Resolved, That when this House adjourns it meet to-morrow at 11 o'clock, A. M., and that that be the hour for meeting every morning, except Sunday, until further order.

Laid over one day under the rule.

On motion of Mr. Waddill,

And at 12 o'clock, 30 m., P. M., the House adjourned until to-morrow morning at 11 o'clock, A. M.

TUESDAY, NOVEMBER 23, 1858.

The following member from the county of Davie, viz: Ephraim Gaither, appeared, filed his certificate of election, was sworn and took a seat in the House.

Mr. Baxter, from the committee on propositions and grievances, reported H. 22, "a bill to extend the corporate limits of the town of Statesville," with the recommendation that it do pass.

On motion of Mr. Hall, of Warren,

Ordered, That the committee on privileges and elections inquire whether William P. Taylor, the sitting member from Chatham, is a clergyman or preacher of the Gospel, and, if so, whether he has a right to a seat on this floor; also, whether W. H. A. Speer, the sitting member from Yadkin, possessed and continued to possess for six months preceding his election one hundred acres of land in the county of Yadkin, and, if not, whether he is entitled to a seat on this floor; also, whether H. W. Brummell, the sitting member from Davidson, possessed and continued to possess for six months preceding his election in the county of Davidson one hundred acres of land in fee or for the term of his own life, and, if not, whether he is entitled to a seat on this floor; and that said committee be empowered to send for persons and papers.

On motion of Mr. Walser,

Ordered, That the Speaker appoint a select committee of five to investigate the manner in which the sheriffs of the several counties in the State have made their last settlements with the public treasurer and comptroller, and also that they report the mileage charged by each sheriff, and the amount paid them for holding elections; and that the comptroller

and public treasurer be requested to lay before the committee all such information as they may desire, and that said committee have power to send for persons and papers, and that they report the result of their investigations.

Mr. Dickson offered the following :

Resolved, That the committee on privileges and elections be instructed to inquire whether M. T. Waddill, a member of the House from the county of Stanly, and Thomas Cox and Jacob McCotter, members from Pitt, N. B. F. Gaither, a member from Iredell county, and W. H. A. Speer, a member from Yadkin county, have not been guilty of treating with meat or drink before or on the day of election, on the first Thursday of August last, with a view to influence votes in their election, and thereby become, by act of Assembly, fit subjects for expulsion.

Resolved, further, That said committee be authorized to send for persons and papers.

Which being read, Mr. Outlaw moved to lay the same on the table ; and the question thereon was put and

Decided in the affirmative—Yeas	80
Nays	33

On motion of Mr. Haywood,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz :

Messrs. Baird, Baxter, Brummell, Bryan, of N. H., Bryson, Bullock, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of P., Craven, Dancy, Dargan, Dickson, Dockery, Dula, Eller, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kirby, Leak, Long, Love, Lyon, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Simonton, Simpson, Smallwood, Sparrow, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Walker, Walser, Ward, Washburne, Watters, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Barbee, Benbury, Blount, Bridgers, Bryan, of C., Chambers, Cox, of J., Dortch, Drake, Fagg, Faribault, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of F., Haywood, Jones, of C., Leffers, Lewis, Masten, Moore, of M., Pritchard, Reeves, Scales, Shaw, Speer, Taylor, Waddill, Wallace, Whitfield and Williams.

The Senate proposed, by message, to proceed forthwith to elect a Senator of the United States for the term beginning the 4th of March next, and asked the concurrence of the House therein; and the House having concurred, Messrs. Person and Gorrell were appointed on the part of the Senate to superintend the election, and Messrs. Love and Chambers on the part of the House.

The election was then held with the following result, viz : The following members of the House voted for his Excellency, THOMAS BRAGG :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Woodfin—81.

The following members of the House voted for DAVID OUTLAW, viz :

Messrs. Dargan, Dockery, Eller, Ferebee, Henry, Leak, Martin, Morgan, Newby, Sanders, Sparrow, Speer and Walker—13.

The following members of the House voted for GEORGE E. BADGER, viz :

Messrs. Brummell, Caldwell, of B., Chambers, Craven, Green, of C., Taylor and Walser—7.

The following members of the House voted for R. S. DONNELL, viz :

Messrs. Caldwell, of G., Cox, of P., Farrow, Gaither, of I., McCotter, Morehead, Simonton and Windley—8.

Messrs. Clapp, Gaither, of D., and Thornburg, voted for JAMES T. MOREHEAD ; Mr. Meares voted for GEORGE DAVIS ; and Mr. Waddill for KENNETH RAYNER.

Mr. Chambers, from the committee to superintend the election of United States' Senator, reported that 162 votes had been counted in said election, of which Gov. BRAGG had received 113, Mr. BADGER 20, Mr. OUTLAW 13, Mr. DONNELL 8, Mr. MOREHEAD 3, Mr. RAYNER 3, Mr. DAVIS 1, and Mr. GRAHAM 1 ; and that Gov. BRAGG had been duly elected.

A message was received from his Excellency, the Governor, relative to certain vacancies which had occurred in the offices of United States' Senator, Secretary of State, and Judges, since the last session of the General Assembly, and communicating the names of the persons whom he had, with the advice of his council, appointed thereto.

On motion of Mr. Ward,

Ordered, That the same be sent to the Senate.

The Speaker laid before the House a report from the Superintendent of the Deaf, Dumb and Blind Asylum ; which was, on motion of Mr. Caldwell, of Burke, sent to the Senate with a proposition to print.

Bills, etc., of the following titles, were introduced, read and referred, as follows :

By Mr. Taylor : bill (No. 54) to charter the Chatham Railroad Company. Referred to the committee on internal improvements.

By Mr. Caldwell, of Burke : bill (No. 55) to improve the public roads in the State. Ordered to be printed, and referred to the committee on internal improvements.

By Mr. Bryson : bill (No. 56) to amend the charter of the Tuckasegee and Keowe Turnpike Company. Cherokee lands and turnpikes.

By Mr. Martin : bill (No. 57) to abolish the militia system. Military affairs.

By Mr. Caldwell, of Burke : bill (No. 58) to establish the county of Mitchell. Propositions and grievances.

By Mr. Love : A resolution (H. R. 59) in favor of G. H. Holland.

By Mr. Norwood : bill (No. 60) for the relief of Emily Hooper, of Liberia. Slaves and free persons of color.

By Mr. Whitfield : bill (No. 61) to extend the corporate limits of Kinston. Corporations.

By Mr. Foy : bill (No. 62) concerning deeds in trust. Judiciary.

On motion of Mr. Bridgers,

A message was sent to the Senate proposing to proceed forthwith to the election of a United States Senator in the place of the Hon. Asa Biggs, resigned ; and the Senate having concurred therein, and appointed Messrs. Dobson and Mills to superintend the same on their part, and Messrs. Green, of Franklin, and Henry being appointed to superintend on the part of the House, the election was held with the following result :

The following members of the House voted for Hon. THOS. L. CLINGMAN, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams—78.

The following named members of the House voted for WILLIAM A. GRAHAM, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Henry, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walser, Windley and Woodfin—33.

Mr. Dargan voted for ALFRED DOCKERY; Mr. Leak voted for Mr. OUTLAW; and Mr. Purdie for Mr. McDOWELL.

Mr. Henry, from the committee to superintend the election of a United States Senator in place of the Hon. Asa Biggs, resigned, reported that 159 votes had been cast, of which Mr. CLINGMAN had received 108, Mr. GRAHAM 47, Messrs. OUTLAW, RAYNER, DOCKERY, and McDOWELL, 1 each; and that Mr. CLINGMAN, having received a majority, had been duly elected.

On motion of Mr. Badham,

A message was sent to the Senate, proposing to proceed forthwith to the election of a judge in the 5th judicial circuit. In reply to which, the Senate having concurred and appointed Messrs. Lankford and Pool to superintend the same, the Speaker appointed Messrs. Shaw and Martin on the part of the House. The election was then held with the following result, viz:

The following members of the House voted for Hon. JESSE G. SHEPHERD, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dargan, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Newby, Norman, Norwood, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Waddill, Walker, Wallace, Ward,

Washburne, Watters, Watson, Whitfield, Wilson and Williams—80.

And the following for ANDERSON MITCHELL, viz :

Messrs. Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Holdscaw, McCotter, Martin, Mearcs, Morehead, Morgan, Outlaw, Reeves, Simonton, Sparrow, Speer, Taylor, Walser, Windley and Woodfin—30.

Mr. Thornburg voted for Mr. CALDWELL, of Burke.

Mr. Martin, from the committee to superintend this election, reported that 158 votes had been counted, of which the Hon. JESSE G. SHEPHERD had received 117, Mr. MITCHELL 38, Mr. CALDWELL, of Burke, 2, and Mr. HENRY A. GILLIAM 1 ; and that Mr. SHEPHERD had been duly elected.

On motion of Mr. Dancy,

A message was sent to the Senate, proposing to proceed forthwith to the election of a Judge in the 1st judicial circuit, and the Senate concurring therein, and having appointed Messrs. Gilmore and Davis, on their part, the Speaker appointed Messrs. Moore, of Chatham, and Purdie, on the part of the House, to superintend the same. The election was then held with the following result, viz :

The following members of the House voted for the Hon. ROBERT R. HEATH, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dargan, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gaither, of D., Gardner, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Higgins, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of M., Moore, of C., Moore, of N. H., Norman, Norwood, Pritchard, Reagan, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker,

Wallace, Ward, Washburne, Watters, Watson, Whitfield, Williams and Wilson.

The following members of the House voted for W. N. H. SMITH, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of L., Leak, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walser, Windley and Woodfin.

Mr. Purdie, from the committee to superintend the said election, reported that they had counted 151 votes, of which the Hon. R. R. HEATH had received 114, and Mr. SMITH 37 ; and that Hon. R. R. HEATH had been duly elected.

On motion of Mr. Dortch,

A message was sent to the Senate, proposing to proceed forthwith to the election of a solicitor for the second judicial circuit ; and the Senate concurring, and having appointed Messrs. Lane and Ramsay on their part, the Speaker appointed Messrs. Simpson and Windley, on the part of the House, to superintend the same. The election was then held with the following result, viz :

The following members of the House voted for WILLIAM J. HOUSTON, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Watters, Whitfield, Wilson, and Williams.

The following members of the House voted for THOMAS SPARROW, viz :

Messrs. Benbury, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Dargan, Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Henry, Leak, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Sanders, Simonton, Speer, Taylor, Thornburg, Waddill, Walser, Windley and Woodfin.

Mr. Windley, from the committee to superintend this election, reported that they had counted 159 votes in the same, of which Mr. HOUSTON had received 116 votes, Mr. SPARROW 42 votes, and GEORGE GREEN 1 vote, and that Mr. HOUSTON had been duly elected.

On motion of Mr. McKay,

A message was sent to the Senate, proposing to proceed forthwith to elect a Solicitor in the fifth judicial circuit, and the Senate concurring therein and having appointed Messrs. McDowell and Carmichael, on their part, the Speaker appointed Messrs. Lewis and Gaither, of I., on the part of the House, and the election was then held with the following result :

The following members of the House voted for ROBERT STRANGE, viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dargan, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of O., Kirby, Leffers, Leak, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

The following members of the House voted for THOMAS C. FULLER, viz :

Messrs. Benbury, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Gaither, of D., Green, of C., Martin, McCotter, Meares, Morehead, Morgan, Newby, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker and Woodfin.

Mr. Ferebee moved that a message be sent to the Senate, proposing to proceed forthwith to the election of a solicitor in the fourth judicial circuit.

Mr. Scales moved the same be laid on the table, and it was adopted.

On motion of Mr. Fagg,

And at 1 o'clock 50m., P. M., the House adjourned.

WEDNESDAY, NOVEMBER 24, 1858.

Mr. Lewis, from the committee to superintend the election of a solicitor in the fourth judicial circuit, reported that 150 votes had been counted by him in that election, of which ROBERT STRANGE had received 113, THOMAS C. FULLER 36, and L. C. EDWARDS 1; and that Mr. STRANGE had been duly elected.

On motion of Mr. Scales,

A message was sent to the Senate, proposing to proceed forthwith into the election of a solicitor for the 4th judicial circuit.

Mr. Fries, from the committee on finance, reported that the books and accounts of the public treasurer, and the condition of his deposits in the banks in which he keeps accounts, had by them been carefully examined; and that the statements made in his report were verified and found to agree with the entries upon his books and the books of the banks.

Mr. Watters asked to be excused from the committee on privileges and elections, and the question thereon was about to be put, when

Mr. Dortch offered the following resolution:

Resolved, That the committee on privileges and elections

be instructed to ascertain and report to this House the facts in relation to the several contested seats of members in the cases which have been, or may be, referred to them.

Mr. Watters renewed his request, and then, on motion, he was excused from the committee on privileges and elections.

The resolution was then adopted.

The Speaker announced the following committees, viz :

On the Library : Messrs. Moore, of Chatham, Outlaw and Shaw.

On Public Grounds and Buildings : Messrs. R. K. Bryan, Simonton and Bullock.

On Sheriffs' Returns : Messrs. Walser, Shaw, Wilson, Gaither, of Davie, and Sherrill.

The Senate proposed by message to raise a joint committee of two on the part of the Senate, and three on the part of the House, to take into consideration that part of the Governor's message which refers to the non-payment of the dividends on the preferred stock of the State in the North-Carolina Railroad Company.

The House concurred therein, and the Speaker thereupon appointed Messrs. Ranson, Morehead and Moore, of Chatham, on the part of the House.

The Senate having agreed to proceed forthwith to the election of a solicitor in the fourth judicial circuit, and appointed Messrs. Straughan and Taylor to superintend the same, on their part, the Speaker appointed Messrs. Hutchins and Woodfin, on the part of the House, and the election was held with the following result, viz :

The following members of the House voted for THOMAS RUFFIN, JR., viz :

Messrs. Speaker, Badham, Barbee, Baxter, Blount, Bridgers, Bryan of N. H., Bryson, Byrd, Caldwell, of B., Costner, Dancy, Dargan, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Fries, Gardner, Gatling, Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Haywood, Hester, Hill, of H., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H.,

Norman, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Speight, Standford, Stephens, Taylor, Tomlinson, Thompson, Wallace, Ward, Washburne, Watson, Watters, Whitfield, Wilson, Williams and Woodfin.

And the following voted for JAMES A. LONG, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of G., Chambers, Clapp, Cox, of P., Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I. Henry, Leak, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Sparrow, Speer, Thornburg, Waddill, Walker, Walser, and Windley.

Mr. Hutchins, from the committee to superintend this election, reported that 150 votes had been cast, of which Mr. RUFFIN received 109, and Mr. LONG 41, and that Mr. RUFFIN had been duly elected.

On motion of Mr. Bridgers,

A message was sent to the Senate, proposing to proceed forthwith to the election of a public treasurer ; and the Senate concurring therein, and having appointed Messrs. Boyd and Walkup, on their part, the Speaker appointed Messrs. Roney and Leak, on the part of the House, to superintend the same. The House then voted for public treasurer with the following result :

The following members voted for DANIEL W. COURTS, viz :

■ Messrs. Speaker, Badham, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of G., Chambers, Costner, Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Haywood, Henry, Hester, Hill, of H., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McKay, Martin, Masten, Meares, Moore of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Smallwood, Speer, Speight, Stanford, Stephens, Taylor,

Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin—97.

The following members of the House voted for CHARLES L. HINTON, viz:

Messrs. Caldwell, of B., Cox, of P., Ferebee, McCotter, and Sparrow—5.

Mr. Leak, from the committee to superintend said election, reported that 145 votes had been counted in the same, of which Mr. COURTS had received 139 votes, Mr. HINTON 5, and GEORGE W. MORDECAI 1, and that Mr. COURTS had been duly elected.

The Senate, by message, informed the House that Messrs. Ward, Flanner and Basnight had been appointed on their part, to the joint committee on swamp lands.

The Senate proposed that when the two Houses adjourn this day, they stand adjourned over until Friday next.

The House concurred—Yeas	91
Nays	6

The following members of the House voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Craven, Dancy, Dargan, Dickson, Dortch, Dockery, Drake, Dula, Eller, Faison, Farrow, Faribault, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gardner, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of H., Higgins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Smallwood, Sparrow, Speer, Speight, Stanford, Taylor, Tomlinson, Thompson, Wallace, Walser, Ward, Watters, Watson, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz:

Messrs. Chambers, Haywood, Holdsclaw, Stephens, Thornburg and Washburne.

Mr. McKay offered the following resolution :

Resolved, That committee room, No. 4, House of Commons, be appropriated and set apart for the use of the committee on internal improvements.

And the question thereon was put, and it was not adopted.

Mr. Caldwell, of Guilford, moved to reconsider the vote, and it was reconsidered ; and the question recurring was put, and the resolution passed,—

There being counted—Yeas 57

Nays 24

Bills, etc., of the following titles, were introduced, read the first time, passed the first reading, and were ordered and referred as follows, viz :

By Mr. Caldwell, of Burke: bill (No. 63) to require an oath of office from the clerks, &c. Referred to the committee on the judiciary.

By Mr. Bryan, of N. H.: bill (No. 64) to charter the Wilmington hotel company. Corporations.

By Mr. Chambers: bill (No. 65) to amend the Revised Code, chapter 66, section 26, Literary Fund and Common Schools. Propositions and grievances.

By Mr. Burns: bill (No. 66) to charter Mt. Pleasant, in Cabarrus county. Corporations.

By Mr. Waddill: bill (No. 67) for the suppression of trading with slaves. Slaves and free persons of color.

By Mr. Williams: bill (No. 68) concerning appeals from justices of the peace. Judiciary.

By Mr. Love: bill (No. 69) to charter the Potasi Mining Company. Corporations.

By Mr. Higgins: bill (No. 70) to pay tales jurors in McDowell.

By Mr. Walker: bill (No. 71) to authorise a homestead exemption. Judiciary.

By Mr. Foy: bill (No. 72) concerning magistrates in the county of Onslow. Private bills.

By Mr. Leffers: bill (No. 73) to charter the Arendell hotel company.

Mr. McKay, from the committee on internal improvements, reported favorably, with an amendment,

H. 9, to aid in the construction and equipment of the Western Railroad.

Also, favorably, with an amendment,

H. 14, to charter the White Oak River Navigation Company.

Mr. Baxter, from the committee on propositions and grievances, reported favorably

H. 17, to open the Yadkin and Pee Dee Rivers.

On motion of Mr. Fries,

A message was sent to the Senate proposing to proceed forthwith to the election of two engrossing clerks; and the Senate concurring therein, and having appointed Messrs. Guyther and Douthitt to superintend the election, on their part, the Speaker appointed two members on the part of the House, and the election was held with the following result, viz:

The following members of the House voted for CALEB N. HILL and JAMES A. WARD, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bryson, Byrd, Costner, Dancy, Dickson, Dortch, Drake, Dula, Faison, Faribault, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hargrove, Harrington, Haywood, Hester, Hill, of H., Higgins, Holdscraw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Scales, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams—66.

And the following for JOSEPH BROWN and JOSEPH A. SMALL, viz:

Messrs. Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dockery, Eller, Ferebee, Gaither, of D., Henry, Leak, McCotter,

Meares, Morgan, Newby, Outlaw, Sanders, Taylor, Thornburg, Waddill, Walser, Windley and Woodfin—27.

The following voted for CALEB N. HILL and JOSEPH A. SMALL, viz :

Messrs. Fagg, Gaither, of I., Martin, Moore, of C., Purdie and Sparrow—6.

Mr. Farrow, Mr. Morehead, and Mr. Walker (3) voted for HILL and BROWN; Mr. Shaw (1) voted for WARD and SMALL.

On motion of Mr. Hill, of Halifax,

Ordered, That every Saturday be fixed for the consideration of private bills, until further order.

On motion of Mr. Norwood,

And at 1 o'clock 8m., P. M., the House then adjourned until Friday, 11 o'clock, A. M.

FRIDAY, NOVEMBER 26, 1858.

The Speaker announced the following appointment, viz: Mr. Allen Gentry to be chairman of the committee on privileges and elections, *vice* Mr. Watters, resigned.

The resolution of Mr. Benbury, which had been laid over under the rule, was adopted, as follows :

Resolved, That the morning sessions of this House begin at 11 A. M., until further order.

Mr. Tomlinson, from the committee to superintend the election of two Engrossing Clerks, reported that 143 votes had been counted in said election, of which 72 were necessary to a choice, and that MR. WARD had received 95, MR. HILL 115, MR. SMALL 47, MR. BROWN 29; and that Messrs. HILL and WARD had been duly elected.

A message was received from the Senate, proposing to raise a joint select committee of one on the part of the Senate, and two on the part of the House, to make the necessary arrangements for comparing the votes polled for Governor in August last. The House concurring therein, the Speaker appointed Messrs. Scales and Caldwell, of Burke, on the part of the House.

Bills, etc., of the titles following were introduced, read and referred, as follows, viz:

By Mr. Kerr: bill (No. 74) to settle cheaply and quickly all Revenue questions. Judiciary.

By Mr. Kerr: bill (No. 75) to regulate the practice at law. Judiciary.

By Mr. Stephens: bill (No. 76) to establish a freehold homestead, and for other purposes.

By Mr. Jones of Craven: bill (No. 77) to amend the Revised Code, chapter 31, section 40, Courts, Counties and Superior. Judiciary.

By Mr. Benbury: bill (No. 78) to repeal Revised Code, chapter 81, Oysters and Fish, in Tyrrell county. Propositions and grievances.

By Mr. McKay: bill (No. 79) to authorize a special term of the county court of Cumberland. Judiciary.

By Mr. Love: bill (No. 80) to charter the Savannah Mining and Manufacturing Company.

By Mr. Foy: bill (No. 81) to prevent certain persons from fishing in the county of Onslow. Propositions and grievances.

Received from the Senate an engrossed bill (No. 82) to charter the Tennessee River Bridge Company. Cherokee lands, &c.

By Mr. Dancy: bill (No. 83) to amend the constitution so as to allow Jews to hold office. Judiciary.

From the Senate: An engrossed resolution (S. R. 84) concerning the Naval Commission to Deep River.

Bills, etc., entitled as follows, being read the second time, passed the second reading, or were otherwise disposed of, as stated, viz:

H. 14. bill to charter White Oak Navigation Company.

H. 9. bill to aid in the construction and equipment of the Western Railroad to the the coalfields; was,

On motion of Mr. McKay,

Made the special order for Thursday next, at 12 o'clock.

H. 17. bill to open the Yadkin and Pee Dee Rivers to the passage of fish, was,

On motion of Mr. Reeves,

Made the special order for Monday, at 12 o'clock.

H. 22. bill to extend the limits of the town of Statesville, was,

On motion of Mr. Chambers,

Laid on the table.

H. 46. bill to amend the charter of the Nottla River passed the second reading.

H. 61. bill to extend the corporate limits of the town of Kinston, was,

On motion of Mr. Thompson,

Laid upon the table.

H. 70. bill to pay tales jurors in the county of McDowell, was,

On motion of Mr. Waddill,

Indefinitely postponed.

H. 73: bill to charter the Arendell Hotel Company passed the second reading.

On motion of Mr. Green, of Franklin,

Mr. Drake had leave of absence until Monday next, at 12 o'clock.

On motion of Mr. Masten,

And at 12 o'clock 50m., P. M., the House adjourned.

SATURDAY, NOVEMBER 27, 1858.

The following additional member, viz: Mr. William N. H. Smith, from the county of Hertford, appeared, filed his certificate, was sworn, and took a seat in the House.

Mr. Bryson, from the committee on Cherokee lands and western turnpikes, to whom a bill (No. 56) to amend the acts incorporating the Tuckasegee and Keowee Turnpike Company had been referred, reported the same, with the recommendation that it do pass.

Mr. Eller offered the following resolution:

Resolved, That hereafter the morning sessions of the House begin at 10 o'clock, A. M., precisely.

Laid over under the rule.

Bills, etc., of the following titles were introduced, read, and referred as follows, viz :

By Mr. Reeves : bill (No. 85) to abolish the office of State Geologist. Propositions and grievances.

By Mr. Byrd : bill (No. 86) to distribute the literary fund. Education.

By Mr. Caldwell, of Guilford : bill (No. 87) to charter the State Improvement and Relief Bank of North-Carolina. Corporations.

By Mr. Masten : bill (No. 88) to provide for the election of Clerks and Masters by the people. Judiciary.

By Mr. Jones, of Orange : bill (No. 89) to charter the Orange Guards. Military affairs.

By Mr. Purdie : bill (No. 90) to amend the Revised Code, chapter 101, section 9, Roads, Ferries and Bridges. Propositions and grievances.

By Mr. McKay : a resolution (H. R. 91) concerning printed documents.

By Mr. Simpson : bill (No. 92) to charter the Greensboro' and Danville Railroad Company. Ordered to be printed, and referred to committee on internal improvements.

Bills, etc., of the following titles, were read the second time, passed the second reading, and were filed for the third reading, or otherwise disposed of as follows, viz :

H. 76. Mr. Stephens' bill concerning a homestead exemption being read the second time, was,

On motion of Mr. Ferebee,

Referred to the committee on the judiciary.

S. 82. An engrossed bill from the Senate to charter the Tennessee River Bridge Company, being read the second time, was,

On motion of Mr. Woodfin,

Laid upon the table.

S. R. 84. An engrossed resolution from the Senate, approving the naval commission, and instructing our Senators in Congress, etc., to ask for a national foundry, being read, passed the second reading.

Bills, etc., of the following titles, being read the third time,

passed the third reading, and were ordered to be engrossed and sent to the Senate, viz :

H. 14. Mr. Foy's bill to charter the White Oak River Navigation Company.

H. 46. Mr. Walker's bill to amend an act concerning Nottla river, and to prevent obstructions therein.

H. 73. Mr. Leffers' bill to charter the Arendell Hotel Company, at Shepard's Point.

The Senate, by message, informed the House that Messrs. Bledsoe and Leach had been appointed, on their part, to the joint committee on that part of the Governor's message relating to the non-payment of dividends on the preferred stock of the North-Carolina Railroad Company; and Mr. Cunningham to the committee to count the vote for Governor.

The Senate proposed, by message, the following arrangement for counting the vote for Governor, viz :

"The two Houses of the General Assembly will assemble in the hall of the House of Commons, on Monday, the 29th day of November, 1858, at 12 o'clock, and the Speaker of the Senate shall be the presiding officer; one person to be appointed a teller, on the part of the Senate, and two on the part of the House, to make a list of the votes polled for Governor of the State at the late election, as they shall be declared by the Speaker of the Senate; the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses the state of the vote and the person elected, which shall be deemed a sufficient declaration of the person elected, and, together with the list of votes, shall be entered on the journals of the two Houses."

The House concurring in the arrangement, the Speaker appointed Messrs. Caldwell, of Burke, and Scales, to count the vote on the part of the House.

On motion of Mr. Caldwell of Burke,

And at 11 o'clock, 45 m., A. M., the House adjourned.

MONDAY, NOVEMBER 29, 1858.

The Speaker announced the following committee on enrolled bills for the week, viz: Messrs. Dortch, Ferebee, Green, of Franklin, Simonton and Pritchard.

On motion of Mr. Dortch,

The Speaker countersigned the pension certificate of Bramley, the widow of Wm. Sasser, of Wayne county, a soldier of the war of 1812.

The Senate proposed to rescind the joint order of Saturday, setting apart this day to count and compare the vote for Governor, and to substitute Monday next, the 6th of December.

On motion of Mr. Caldwell, of Burke,

The House concurred therein.

The Senate proposed the following joint resolution concerning the Revised Code, viz:

(S. R. 93.) *Resolved*, That the Governor be authorized and requested to furnish the Senate with twenty copies of the Revised Code, and the House with fifty copies, for the use of the committees and members of the Senate and Commons.

And the same was read the first time, passed the first reading, and entered on the calendar.

On motion of Mr. Caldwell, of Burke,

The rules were suspended, and the resolution read the second and third times, and passed the second and third readings.

Ordered, That it be enrolled.

The Senate further informed the House, that Messrs. Cunningham, Blount and Dobson constitute the Senate branch of the committee on enrolled bills for this week.

Mr. Moore, of Chatham, offered the following preamble and resolution, viz:

WHEREAS, The State has, at different times, invested money in the Deep River improvement to the amount of \$420,000 ;

And whereas, the work has been pronounced by the most eminent and scientific men to be perfectly practicable and admirably adapted to slackwater navigation, and, if completed in a permanent manner, better calculated to convey to

tide-water the vast resources of that fertile and productive region to a larger amount and at a cheaper rate of freight, than any other mode of transportation ;

And whereas, the general government has been induced, by a weight of testimony which could not be doubted, if the unlimited amount of water-power, coal, copper and soap-stone, besides the productiveness of the soil, to order a corps of government engineers to examine and report as to the expediency of selecting that locality as the most suitable site for a national foundry,—which report, we are informed by his Excellency, Gov. Bragg, and by private letters, will be made at an early day, of a highly satisfactory character, sufficient, we believe, to induce the general government to establish said works upon the banks of Deep river;

Therefore Resolved, (the Senate concurring,) that a joint select committee, composed of two members from the Senate and three from the House of Commons, be appointed to examine and report to this general assembly the condition of the work upon Deep river, and whether it be not for the best interests of the State to complete said works in a permanent manner.

Which being read, were adopted and ordered to be sent to the Senate.

A message was received from his Excellency, the Governor, transmitting a farther report from the President and Directors of the Chesapeake and Albemarle Canal Company.

On motion of Mr. Hill, of Stokes,

Ordered, to be sent to the Senate with a proposition to print.

The Senate afterwards informed the House that they concurred therein.

The Senate proposed, by message, to raise a joint select committee of one on the part of the Senate, and two on the part of the House, to examine into and report upon the condition, management and prospects of the Raleigh and Gaston Railroad Company ;

Also, another upon the North Carolina Railroad Company ;

Also, another upon the Atlantic & N. C. Railroad Company ;

Also, another upon the Western North Carolina Railroad Company ;

Also, another upon the Wilmington & Weldon Railroad Company ;

Also, another upon the Wilmington & Manchester Railroad Company ;

Also, another upon the Wilmington & Rutherford Railroad Company ;

In all of which the House concurred.

The resolution of Mr. Eller, laid over from yesterday, was then,

On motion of Mr. Outlaw,

Laid upon the table.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred as follows, viz :

By Mr. Stephens : bill (No. 94) concerning the office of sheriff in the county of Columbus. Referred to the committee on propositions and grievances.

By Mr. Shaw : bill (No. 95) to prevent horse stealing. Judiciary.

By Mr. Woodfin : bill (No. 96) to charter the Tennessee Valley Turnpike Company. Internal improvements.

By Mr. Barbee : bill (No. 97) to amend an act concerning Harnett county. Propositions and grievances.

By Mr. Ripley : bill (No. 98) to amend the charter of the Little River Turnpike Company.

By Mr. Baird : bill (No. 99) to protect the helpless against moneys havers.

By Mr. Scales : a resolution (H. R. 100) in favor of G. M. Albright. Claims.

By Mr. Gatling : bill (No. 101) to amend an act concerning tales jurors. Judiciary.

By Mr. Walker : bill (No. 102) to abolish jury trials in the county courts of Cherokee. Propositions and grievances.

By Mr. Foy : bill [No. 103) to declare Railways and Steamboat lines highways. Judiciary.

By Mr. Byrd : bill (No. 104) to amend the criminal law. Judiciary.

The following bill, viz :

H. 8. Mr. Baxter's bill, for the protection of wild fowl, being read the second time, passed the second reading, and,

On motion of Mr. Caldwell, of Guilford,

The rules being suspended, the bill was read the third time, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 56. Mr. Bryson's bill to amend the charter of the Tuckasegee and Keowee Turnpike Company, being read the third time, passed the third reading, and was ordered to be engrossed and sent to the Senate.

S. R. 84, an engrossed resolution from the Senate, approving the naval commission to Deep River, then being read the third time, passed the third reading, and was ordered to be enrolled.

At 12 o'clock, the Speaker announced a special order :

H. 17, a bill to open the Yadkin and Pee Dee Rivers to the passage of fish ;

And the same was read the third time, and the question being "shall the bill pass the third reading?"

Mr. Walser offered an amendment thereto, and

Mr. Fleming an amendment to the amendment, which being read,

On motion of Mr. Dockery,

The bill, with the said amendments, was re-committed to the committee on propositions and grievances.

On motion of Mr. Outlaw,

The House then, at 12 o'clock 40m., adjourned.

TUESDAY, NOVEMBER 30, 1858.

Mr. Kerr, from the committee on the judiciary, reported the following bills, etc., with the recommendation that they do not pass, viz :

H. 26, Mr. Dula's bill to authorize solicitors to administer oaths in certain cases.

H. 27, Mr. Drake's bill to amend the Revised Code, chapter 45, title Executions.

H. 33, Mr. Faison's bill to amend Revised Code, chapter 99, title Revenue, concerning sheriffs' settlements.

H. 39, Mr. Williams' bill concerning wills and testaments.

H. 42, Bill of Mr. Cox, of Pitt, regulating assignments for the benefit of creditors.

H. 62, Mr. Foy's bill concerning deeds in trust.

H. 68, Mr. Williams' bill concerning appeals from justices of the peace.

H. 101, Mr. Gatling's bill to amend the laws of 1856-'7, concerning talis jurors.

H. 103, Mr. Foy's bill concerning railways and steamboat lines.

Mr. Baxter, from the committee on propositions and grievances, to whom had been referred the bills severally entitled as follows, reported the same back to the House, with a recommendation that they do not pass, viz :

H. 10, The bill of Mr. Moore, of N. H., to alter the mode of compensation of the General Assembly.

H. 58, Bill of Mr. Caldwell, of Burke, to establish the county of Mitchell.

H. 90, Mr. Purdie's bill to amend the Revised Code, chapter 101, section 9, title Roads, Ferries and Bridges.

H. 94, Mr. Stephens' bill concerning the office of sheriff in the county of Columbus.

H. 102, Mr. Walker's bill to abolish jury trials in the county of Cherokee.

Mr. Baxter, from the same committee, reported the following, with the recommendation that they do pass, viz :

H. 3, Mr. Green's bill to amend an act concerning the Revised Code.

H. 31, Mr. Walser's bill to authorize the Governor to prepare the halls to receive the General Assembly.

H. 29, Mr. Gentry's bill to establish the county of Alleghany.

H. 45, Mr. Fleming's bill in favor of Solomon Klutts.

H. 59, Mr. Love's bill for the relief of the sureties of G. H. Holland, sheriff of Haywood, with the following amendment, viz:

"*Provided*, Said sureties be not allowed to collect any tax or arrears due two or more years anterior to the death of the said Holland."

H. 78, Mr. Benbury's bill to repeal Revised Code, chapter 81, Oysters and other Fish, in Tyrrell county.

H. 85, Mr. Reeves' bill to abolish the office of State Geologist.

Mr. Bridgers, from the committee on the judiciary, to whom the following bills had been referred, reported the same to the House, with the recommendation that they do not pass, viz:

H. 50, Mr. Craven's bill to amend the Revised Code, chapter 34, section 28; title: Bastards;

H. 74, Mr. Kerr's bill to settle cheaply and quickly all questions upon the revenue law;

H. 77, the bill of Mr. Jones, of Craven, to amend the Revised Code, chapter 31, section 40; title: County Courts and Superior.

Also, the following, with the recommendation that they do pass, viz:

H. 7, Mr. Dortch's bill to prohibit betting on elections;

H. 44, Mr. Fleming's bill to extend the term of the Superior Court of Rowan.

Mr. Scales, from the committee on claims, to whom had been referred,

H. R. 16, resolution of Mr. Caldwell, of Burke, in favor of Donald Frazer, and to refund a tax; and,

H. R. 100, resolution in favor of G. M. Albright, excess of taxes;

Reported the same back to the House, with a recommendation that they do pass.

Mr. Outlaw, from the committee on the judiciary, to whom the following bills had been referred, reported the same back to the House, with the recommendation that the same do not pass, viz:

H. 18, Mr. Dortch's bill to provide a mechanic's lien ;

And the same being read the second time, and the question being, "shall this bill pass the second reading?"

Mr. Fleming offered the following amendment, viz :

Add to end of last section : "*Provided*, that nothing contained in this act shall be construed to create a lien upon any interest a husband may have in land in right of his wife ; or, to overreach the lien created by any judgment obtained before said contract."

And the question being upon the amendment,

Mr. Williams moved to lay the bill and amendment upon the table.

Mr. Dortch moved the yeas and nays be ordered ; and the question being upon the motion of Mr. Williams to lay upon the table,

Mr. Bridgers proposed to offer an amendment, which the Speaker did not receive ; and the question being now put,

Mr. Outlaw moved the indefinite postponement of the bill, when Mr. Williams withdrew his motion ; and the question was put, "shall the bill be indefinitely postponed?" and

Decided in the affirmative—Yeas 66

Nays 48

On motion of Mr. Dortch,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Chambers, Costner, Cox, of P., Craven, Dancy, Drake, Eller, Faison, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gardner, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Haywood, Henry, Hester, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Love, Lyon, McKay, Martin, Morgan, Newby, Norwood, Outlaw, Ransom, Ripley, Roney, Scales, Shaw, Simonton, Simpson, Smallwood, Smith, Speight, Stephens, Thornburg, Waddill, Wallace, Walser, Watson, Wilson and Williams.

And the following in the negative, viz :

Messrs. Benbury, Bridgers, Brummell, Bryan of N. H.,

Caldwell, of G., Clapp, Cox, of J., Dickson, Dockery, Dortch, Dula, Fagg, Faribault, Farrow, Foy, Gatling, Hall, of W., Higgins, Jones, of C., Leffers, Lewis, Long, McCotter, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Norman, Pritchard, Purdie, Reagan, Reeves, Sanders, Sparrow, Speer, Stanford, Taylor, Tomlinson, Thompson, Walker, Washburne, Watters, Whitfield, Windley and Woodfin.

Mr. Outlaw, from the same committee, to whom the following bills had been referred, reported the same back to the House, with the recommendation that they do pass, viz :

H. 63, the bill of Mr. Caldwell, of Burke, to require an oath of office of the clerks of the Senate and House of Commons.

H. 99, Mr. McKay's bill to authorize a special term of Cumberland County Court, and for other purposes.

Mr. McKay, from the committee on internal improvements, to whom had been referred the following bills, reported the same back to the House, with the recommendation that they do not pass, viz :

H. 40, Mr. Williams' bill concerning internal improvements.

Mr. McKay, from the same committee, reported

H. 43, bill of Mr. Bryan, of New Hanover, concerning the Wilmington & Weldon Railroad Company, with the recommendation that it do pass; also,

H. 96, Mr. Woodfin's bill to charter the Tennessee Valley Turnpike Company, recommending its reference to the committee on turnpikes and western roads.

Mr. Norwood, from the committee on the judiciary, to whom had been referred

H. 41, Mr. Williams' bill concerning slaves,

Reported the same to the House, with the recommendation that it do not pass.

Mr. Simpson, from the committee on private bills, to whom had been referred

H. 47, Mr. Dancy's bill to correct and amend the name of the county seat of Edgecombe,

Reported the same back to the House, with the recommendation that it do pass.

The Speaker announced the following committees on railroads, viz :

On the North-Carolina Railroad : Messrs. Green, of F., and Ferebee.

On the Raleigh & Gaston Railroad : Messrs. Dancy and Woodfin.

On the Atlantic & North-Carolina Railroad : Messrs. Caldwell, of Burke, and Fries.

On the Western North-Carolina Railroad : Messrs. Norwood and Outlaw.

On the Wilmington & Weldon Railroad : Messrs. Sparrow and Moore.

On the Wilmington & Manchester Railroad : Messrs. Williams and Leak.

On the Wilmington & Rutherford Railroad : Messrs. Thompson and Bullock.

On motion of Mr. Simpson,

Ordered, That the committee on finance enquire into the expediency of repealing so much of the revenue law as imposes a tax on marriage licences ; and that they report by bill or otherwise.

Mr. Badham offered the following as part of the standing rules of the House :

“No standing rule of this House shall be suspended, unless two-thirds of the House shall agree thereto ; and no standing rule shall be altered or rescinded except after one day’s notice of the motion thereof ; and to sustain such motion two-thirds of the House shall be required.”

Laid over one day under the rule.

Mr. Hill, of Halifax, offered the following resolutions on the currency, viz :

Resolved, That we regard the question of the currency as one of paramount importance, involving the happiness and prosperity of the whole people.

Resolved, That we regard the inadequate restriction of the issues of the banks, as the prime cause of those expansions

and contractions of the currency, which periodically afflict the country with panics and revulsions.

Resolved, That we regard the late suspensions and failures of the banks as peculiarly and altogether the fault of our present paper money system, and, therefore, we are in favor of a cautious reform of the system, bringing it, by degrees, nearer to a metallic basis; and to that end,

Be it resolved, That we will vote for no bank charter which does not restrict the total amount of notes and deposits which the corporation shall at any time owe, to three times the amount of specie in its vaults.

Be it further resolved, That in case of a bank's refusing to pay its notes, it should not only be responsible in damages to persons holding its notes, but in addition, should pay _____ per cent. upon the amount of its circulation into the treasury of the State, as repayment to the people of the loss suffered by depreciation of its notes, and as an additional guarantee for the sound and cautious dealing of the bank.

Be it further resolved, That each bank ought to be required to publish in two papers having the largest circulation, and printed at the seat of government, and also in a paper of the largest circulation nearest said bank, quarterly statements of its condition, showing all the particulars necessary to give the public a full and true exhibit of the debit and credit side of its account.

Resolved, further, That we are opposed to the issue of any bills, certificates of deposit or promisory note, for a less sum than ten dollars, but, as a gradual reform, we will insist on the restriction, at present, to sums less than five dollars.

Resolved, further, That banking, on any other basis than coin or money, whether real estate, State bonds, railroad stock or any other evidences of debt, is dangerous, corrupting and illusory; the experience of the past and reason of the present alike condemn it.

Resolved, That we are opposed to all connection of the State with banking schemes, except when she may have a surplus or a portion of her school fund seeking investment,

and then only to the extent of a subscription of one-third of the capital stock.

Which, being read, were, on his motion, laid upon the table and ordered to be printed.

Bills, etc., of the titles following, being introduced, passed the first reading, and were referred, as follows, viz:

By Mr. Sparrow: resolution (H. R. 105) in favor of Joseph Potts. Claims.

By Mr. Woodfin: resolution (H. R. 106) in favor of certain entries of lands. Cherokee lands, etc.

By Mr. Jones, of Craven: bill (No. 107) concerning registers. Judiciary.

By Mr. Kerr: bill (108) to establish the eighth judicial circuit. Judiciary.

By Mr. Benbury: bill (No. 109) to establish a military and scientific academy. Military affairs.

By Mr. Watters: bill (No. 110) to restore jury trials to the county courts of Cleaveland.

By Mr. Dortch: bill (No. 111) to increase the fees of constables. Judiciary.

By Mr. Leffers: bill (No. 112) in favor of sheriffs. Judiciary.

By Mr. Hutchins: bill (No. 113) to cede to the United States the right of purchase of a site for a post office in Raleigh.

Received from the Senate an engrossed bill (S. 114) to provide evidence against faro-table keepers; and the same was read the first time and passed the first reading, and then,

On motion of Mr. McKay,

The rules being suspended, the same was read the second time, and the question being, 'Shall the bill pass the second reading?'

Mr. Smith moved to amend by striking out the last clause, and

Mr. Outlaw moved to amend the amendment by inserting, in lieu of the word "passage" in the last clause, the word "ratification."

Mr. Smith withdrew his amendment, and the question re-

curing 'Shall the bill pass the second reading?' it was so decided.

Mr. Outlaw moved to reconsider the vote, and it was reconsidered ; and

Mr. Outlaw moved to amend the last clause by striking out the word "passage" and inserting the word "ratification;" and the amendment was adopted.

The bill then passed the second and third readings, and the amendment was ordered to be engrossed and sent to the Senate.

The Senate afterwards concurred in the amendment.

Bills, etc., of the following titles then being read, passed the second reading, and were filed for the third reading, or otherwise disposed of, as follows :

H. 7, Mr. Dortch's bill to prevent betting on elections. Passed the second reading.

H. 10, bill of Mr. Moore, of N. H., to alter the mode of compensating the members of the General Assembly. The question being 'Shall this bill pass the second reading?' it was

Decided in the negative—Yeas,	8
Nays,	103

On motion of Mr. Simpson,

The yeas and nays were ordered ; and the following members of the House voted in the affirmative, viz :

Messrs. Bryan, of N. H., Meares, Moore, of N. H., Pritchard, Sanders, Tomlinson, Waddill and Washburne.

And the following voted in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Dula, Drake, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gatling, Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Haywood, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter,

McKay, Martin, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simonton, Simpson, Smallwood, Smith, Sparrow, Speight, Speer, Stanford, Stephens, Taylor, Thompson, Thornburg, Walker, Wallace, Walser, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

H. R. 16, resolution to pay Donald Frazer an excess of store tax. Passed the second reading.

H. 26, Mr. Dula's bill to authorize solicitors to administer oaths in certain cases. Did not pass second reading.

H. R. 91, Mr. McKay's resolution requiring the clerk of the House to furnish certain newspapers with documents. Did not pass the second reading.

H. 98, Mr. Ripley's bill to amend the charter of the Little River Turnpike Company. Passed the second reading.

H. 99, Mr. Baird's bill upon the subject of usury being read, was,

On motion of Mr. Kerr,

Referred to the committee on the judiciary.

The Senate proposed, by message, to increase the railroad investigating committees to three on the part of the House, and two on the part of the Senate. The House concurred.

The Senate further proposed a joint select committee of five on the part of each branch, to consider the fishing interests in Albemarle, Croatan and Pamlico Sounds. The House concurred.

The Senate further proposed to proceed forthwith to elect a Superintendent of Common Schools; and the House concurring therein, the Senate appointed Messrs. Cunningham and Cherry on their part, and the Speaker appointed Messrs. Masten and Burns on the part of the House, to superintend the said election.

An election was then held with the following result, viz:

The following members of the House voted for CALVIN H. WILEY, viz:

Messrs. Speaker, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns,

Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Foy, Fries, Gaither, of I., Gardener, Gatlins, Gentry, Green, of F., Hall of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simon-ton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Whitfield, Windley and Woodfin—102.

And the following for ROBERT P. WARING, viz :

Messrs. Badham, Byrd, Fleming, Gaither, of D., Haywood, McKay, Wallace, Wilson and Williams—9.

Mr. Stanford voted for BENJ. F. GRADY.

The House then,

On motion of Mr. Ferebee,

At 1 o'clock 37m., P. M., adjourned.

WEDNESDAY, DECEMBER 1, 1858.

The Speaker announced the following additional appointments to the committees on railroads, etc :

Raleigh and Gaston Railroad : Mr. Chambers.

North-Carolina Railroad : Mr. Drake.

Atlantic and North-Carolina Railroad : Mr. Hill, of Stokes.

Western North-Carolina Railroad : Mr. Long.

Wilmington and Weldon Railroad : Mr. Simonton.

Wilmington and Manchester Railroad : Mr. Masten.

Wilmington and Rutherford Railroad : Mr. Jones, of Orange.

House branch committee on fishing interests : Messrs. Badham, Farrow, Norman, Newby and Baxter.

Mr. Benbury, from the committee on privileges and elec-

tions, submitted a report in writing upon the questions of privilege etc., referred to them.

Mr. Masten, from the committee appointed on the part of the House to superintend the election of a general superintendent of common schools made the following report: The whole number of votes cast was 158, necessary to a choice 80. CALVIN H. WILEY received 141 votes, ROBERT P. WARING received 13 votes, scattering 4 votes. Mr. WILEY, having received a majority of the votes cast, was duly elected.

The resolution of Mr. Badham, laid over on yesterday, was then read as follows, viz:

“No standing rule of this House shall be suspended, unless two thirds of the House shall agree thereto; and no standing rule shall be altered or rescinded, except upon one day’s notice of the motion thereof; and to sustain such motion two thirds of the House shall be required.”

And the question being “shall this resolution be adopted?”

Mr. Badham moved to strike out all after the word “resolved,” and insert the following:

“That the 38th Standing Rule of this House shall be and is hereby rescinded, and the following rule be substituted in stead thereof, to-wit:

“No standing rule of this House shall be suspended, unless two-thirds of the House agree thereto; and no standing rule shall be altered or rescinded without one day’s notice given of the motion thereof; and to sustain such motion two-thirds of the House shall be required.”

And the question; being upon the resolution as amended, “shall this resolution be adopted?” was put, and decided in the negative.

Mr. Gaither, of Iredell, introduced the memorials of D. A. Moore, and others, and J. T. Bell, and others, and

Mr. Simonton, the memorials of J. S. Brown, and others, concerning the charter of Salisbury;

Which were laid upon the table, and afterwards referred, with H. 22, on that subject, to the committee on propositions and grievances.

On motion of Mr. Costner,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of paying witnesses for their time and attendance upon trials before justices of the peace; and that they report by bill or otherwise.

Mr. Benbury offered the following resolutions:

WHEREAS, The 30th section of the constitution declares that "no clerk of any court of record" shall have a seat in the House of Commons: and,

Whereas, Section 4th, of the amended constitution declares that "no person, who shall hold any office or place of trust or profit under this State, shall hold or exercise any other office or place of profit or trust under the authority of this State, or be eligible to a seat in either House of the General Assembly: and,

Whereas, E. G. Haywood holds the office of Clerk & Master of the Court of Equity for Wake county: therefore,

Resolved, That E. G. Haywood, one of the sitting members in this House for Wake county, is constitutionally disqualified to hold said seat.

Resolved, That the seat now held by E. G. Haywood, in the House of Commons, is hereby declared vacant.

Resolved, That the Speaker of the House of Commons be instructed to issue his writ of election to supply the said vacant seat.

And the question being thereon,

Mr. Bridgers offered a substitute, so as to include the names of all the members upon whose qualification to sit, reports had been submitted; and the question being thereon, it was not adopted.

Mr. Dortch offered the following as a substitute, viz:

WHEREAS, The committee on privileges and elections, under an order of this House, have reported that E. G. Haywood, a member of the House from the county of Wake, was on the day of his election, and is now, Clerk & Master for the Court of Equity for the county of Wake; and that Augustus Moore, a member of this House from the county of Martin, was under twenty-one years of age on the day of his election, and is still under the age of twenty-one; and that

William P. Taylor, a member of this House from the county of Chatham, is a local preacher, and solemnizes the rite of matrimony;

And, whereas, it is proper that this House should have the best legal advice in its power to command, before proceeding to further action;

Be it therefore resolved, That the committee on the judiciary be instructed to give their opinion to this House whether the said members are entitled to seats in this House.

And it was not adopted.

And the question recurring;

On motion of Mr. Kerr,

The resolution was made the special order of the day for Tuesday next, the 6th of December, at 12 o'clock.

Mr. Simpson, from the committee on private bills, to whom H. 72, Mr. Foy's bill, concerning magistrates in Onslow county, had been referred, reported the same back to the House with the following amendment, viz:

In 7th line, add "except laying county taxes and making appropriations;"

And recommended its passage.

The Speaker laid before the House the annual report of Richard C. Cotten, Adjutant General, which being read, was,

On motion of Mr. Simpson,

Sent to the Senate with a proposition to print.

On motion of Mr. Smith,

Resolved, As the judgment of this House, that S. E. Williams, a member from the county of Caswell; J. I. Scales, a member from the county of Alamance; H. W. Brummell, a member from the county of Davidson; and W. H. A. Speer, a member from the county of Yadkin, are entitled to their seats in this House.

Mr. Dancy introduced the following:

Resolved, That Augustus Moore, of Martin, is entitled to a seat in this House.

And the question being, "Shall this resolution pass?"

Mr. Waddill moved the yeas and nays be ordered; when,

On motion of Mr. Bryan, of New Hanover,

Ordered, That the same be made the special order of the day for Friday next, at 12 o'clock.

Bills, etc., of the following titles, were then introduced, read the first time, passed the first reading, and were filed for the second reading, referred, or otherwise ordered, as follows:

By Mr. Norwood: resolution (No. 115) in favor of John Caldwell's executors. Referred to the committee on claims.

By Mr. Walser: bill (No. 116) on the subject of poor debtors. Propositions and grievances.

By Mr. Bryan, of N. H.: bill (No. 117) to amend the charter of the Wilmington & Manchester Railroad Company.

By Mr. Cox, of Jones: bill (No. 118) to prevent the felling of timber in Tuckahoe and Trent rivers. Private bills.

By Mr. Dortch: bill (No. 119) to amend Revised Code, chapter 78, Official Bonds. Judiciary.

By Mr. Kirby: bill (No. 120) to charter the Fayetteville branch of the Wilmington and Weldon Railroad Company. Internal improvements.

By Mr. Dortch: bill (No. 121) to protect purchasers under judicial sales. Judiciary.

By Mr. Bryan, of N. H.: bill (No. 122) to encourage the formation of a military company in Wilmington. Military affairs.

By Mr. Dortch: bill (No. 123) to amend Revised Code, chapter 68, Marriage. Judiciary.

By Mr. Dortch: bill (No. 124) concerning magistrate's process. Judiciary.

By Mr. Dortch: bill (No. 125) to make husbands liable for the deceased wife's debts in certain cases. Judiciary.

By Mr. Ward: bill (No. 126) to amend the charter of Union academy. Corporations.

From the Senate: an engrossed resolution (No. 127) concerning the distribution of the Revised Code, and providing for information from the Secretary of State. Judiciary.

From the Senate: engrossed bill (No. 128) to amend Revised Code, chapter 119, section 15, Wills and Testaments.

From the Senate: engrossed bill (No. 129) to encourage the planting of oysters and clams. Judiciary.

From the Senate: engrossed bill (No. 130) to provide pay for tax listers. Judiciary.

H. 27, Mr. Drake's bill concerning executions and exemptions being read, did not pass the second reading.

Bills, etc., of the following titles, were read the third time, and disposed of as follows, viz:

H. 3, bill of Mr. Green, of Franklin, to amend an act, entitled an act concerning the Revised Code;

And the question being 'Shall this bill pass the third reading?'

Mr. Sparrow offered the following amendment, viz:

Strike out the word "have" and insert the words "have received."

Mr. Norwood, by way of amendment to the amendment, moved to add thereto "provided that there be a sufficient number of copies on hand for that purpose;" and the question being thereon, it was not adopted--and the question recurring, the amendment was accepted. The question then being upon the passage of the bill as amended,

Mr. Walser offered an amendment, which was withdrawn; and the question was put, when

Mr. Hill, of Halifax, moved that the vote by which the amendment offered by Mr. Norwood had been rejected be re-considered, and it was reconsidered; and the question recurring upon the amendment of Mr. Norwood,

A message was received from the Senate, transmitting the engrossed bills, Nos. 128, 129 and 130 already recited, and, also a resolution, (No. 127,) already recited, upon the subject before the House.

On motion of Mr. Caldwell, of Burke,

The question was informally passed over, and the message and resolutions read, and passed the first reading, and filed for the second reading.

The question then recurred upon the amendment of Mr. Norwood, when

Mr. Fleming offered the following amendment thereto:

"The Governor of this State be instructed to furnish all justices of the peace of this State, who have not received a

copy of the Revised Code, and those who may hereafter be appointed, on receiving evidence of their qualification, a copy of said Code: *Provided*, The number belonging to the State now on hand be sufficient for that purpose."

And it was adopted—yeas being counted upon a division 50, and nays 38. And the amendment of Mr. Norwood being adopted,

On motion of Mr. Thompson,

The House ordered the whole to be stricken out after the enacting clause down to the amendment offered by Mr. Fleming.

The Speaker then put the question "shall the bill, as amended, pass the third reading?" and it was decided in the affirmative, and the same was ordered to be engrossed and sent to the Senate.

At 12 o'clock 57m., Mr. Waddill moved the House do now adjourn; and it was not adopted,

And the House resumed the calender:

H. 7, Mr. Dortch's bill to prohibit betting on elections was read the third time, and passed the third reading, and ordered to be engrossed and sent to the Senate.

H. R. 16, the resolution of Mr. Caldwell, of Burke, in favor of returning Donald Frazer an excess of taxes, passed third reading, and was ordered to be engrossed and sent to the Senate.

H. 22, Mr. Simonton's bill to extend the limits of the town of Statesville, was,

On motion of Mr. Chambers,

Taken up, and ordered to be referred, with the memorials, to the committee on propositions and grievances.

At 1 o'clock 15m., Mr. Kerr moved the House adjourn, and it was not adopted—there being counted, on a division, yeas 44, nays 45.

H. 29, Mr. Gentry's bill to establish the county of Alleghany was read the second time, and,

On motion of Mr. Bridgers,

Passed over.

On motion of Mr. Ransom,

Resolved, That the use of this Hall be tendered to the Oak City Guards this evening, for the purpose of a lecture, by Col. John H. Wheeler, upon Nicaragua, at 8 o'clock, P. M.

Mr. Hill, of Halifax, offered the following:

Resolved, That hereafter, when this House adjourns, it adjourn to meet at 10 o'clock, A. M.

Laid over under the rule.

On motion of Mr. Kerr,

The House then, at 1 o'clock 20m., P. M., adjourned.

THURSDAY, DECEMBER 2, 1858.

Mr. Henderson Sherrill, of the county of Catawba, appeared, was sworn, and took a seat in the House.

Mr. Norwood presented the memorials of Fanny Thompson and others, praying the emancipation of Dennis and other slaves; which, being read, were, on his motion, referred to the committee on propositions and grievances.

A message was received from the Governor, by the hands of Pulaski Cowper, Esq., his private secretary, communicating the report of Charles Manly, Esq., Treasurer of the University; which was, on motion of Mr. Ferebee, sent to the Senate with a proposition to print.

Mr. Scales presented the memorial of W. H. Battle and others for the emancipation of Sam. Morphis; which, being read, was referred to the committee on slaves and free persons of color.

Mr. Bryan, of N. H., offered the following resolution, viz:

Resolved, That the 41st rule of the House be amended by striking out the word "electoral" and inserting the word "congressional."

Laid over one day under the rule.

Mr. Hill, of Halifax, from the committee on corporations and currency, to whom had been referred

H. 64, Mr. Bryan's bill to charter the Wilmington Hotel Company,

Reported the same back to the House, with the recommendation that it do pass. Also,

H. 66, Mr. Burns' bill to charter Mt. Pleasant, in Cabarrus county, with the like favorable report.

Mr. Dortch, from the judiciary committee, to whom

H. 104, to modify the criminal law in certain cases,

Had been referred, reported the same back to the House with the recommendation that it do not pass. Also,

H. 111, Mr. Dortch's bill to increase the pay of constables, with the recommendation that it do pass.

Bills, etc., of the following titles, were read the first time, passed the first reading, and were severally referred, or filed for the second reading, as follows :

By Mr. Windley : bill (No. 131) to enforce the vagrant act against gypsies. Judiciary.

By Mr. Williams : bill (No. 132) to charter the Milton and Yanceyville Junction Railroad Company. Internal improvements.

By Mr. Moore, of Chatham : bill (No. 133) to charter the Alamance Mining and Manufacturing Company. Corporations.

By Mr. Whitfield : bill (No. 134) concerning public roads. Western Turnpikes, etc.

By Mr. Shaw : bill (No. 135) to amend the charter of the Cheraw & Coal Fields Railroad Company. Internal improvements.

By Mr. Holdslaw : bill (No. 136) concerning vacant lands. Cherokee lands, etc.

By Mr. Smith : bill (No. 137) to alter the time for holding Supreme Court in Raleigh. Judiciary.

By Mr. Martin : bill (No. 138) to provide for hiring out free negroes upon a conviction in certain cases. Judiciary.

By Mr. Speer : bill (No 139) to authorize a toll bridge across Yadkin river. Private bills.

By Mr. Dortch : bill (No. 140) to make corporators competent witnesses in certain cases. Judiciary.

By Mr. Ward : bill (No. 141) to authorize the sale of Sa-recta Commons, in Duplin. Private bills.

By Mr. Byrd : bill (No. 142) to amend the Revised Code, chapter 66, section 6, and to extend the jurisdiction of justices of the peace. Judiciary.

By Mr. Burke : bill (No. 143) to amend the Revised Code, chapter 102, Salaries and Fees. Propositions and grievances.

The House then resumed the consideration of Mr. Gentry's bill, H. 29, to establish the county of Alleghany.

The question being, "Shall this bill pass the second reading?" was put, and

Decided in the affirmative—Yeas 78

Nays 36

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Barbee, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Chambers, Clapp, Costner, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Greene, of C., Hall, of R., Hall, of W., Harrington, Haywood, Hester, Hill, of H., Hill, of S., Higgins, Holdswell, Jones, of O., Kerr, Kirby, Leak, Leffers, Love, Lyon, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Speer, Stanford, Taylor, Tomlinson, Thornburg, Waddill, Wallace, Walser, Washburne, Watters, Watson, Wilson, Williams and Woodfin.

And the following voted in the negative, viz :

Messrs. Badham, Baxter, Benbury, Bridgers, Caldwell, of B., Caldwell, of G., Cox, of J., Cox, of P., Dancy, Dortch, Faribault, Farrow, Ferebee, Foy, Gatling, Green, of F., Hargrove, Henry, Hutchins, Jones, of C., Lewis, McCotter, Morgan, Newby, Outlaw, Purdie, Sanders, Smallwood, Smith, Sparrow, Speight, Stephens, Thompson, Ward, Whitfield and Windley.

At 12 o'clock, the Speaker announced the special order, viz :

H. 9, Mr. McKay's amended bill to aid in the construction and equipment of the Western Railroad,

And the same was read the second time; and the question being, "Shall this bill pass the second reading?"

Mr. McKay offered the following amendment:

After the word "company," beginning at the end of the 18th line in section 2, and ending in the beginning of the 19th line, insert the following: "Which lien shall be more effectually secured by a mortgage duly executed by said company to the State, and registered in the Register's office of the counties of Cumberland, Harnett, Moore and Chatham."

And add the following sections, viz:

SEC. 5. *Be it further enacted*, That the State shall have the privilege, at any time within eight years from the passage of this act, to convert the bonds of said company into stock of said company, to the amount of six hundred thousand dollars, in shares of one hundred dollars each; and upon certificates of stock being issued to the State by said company for the same, to surrender the bonds to said company to be delivered to the State under the provisions of this act.

SEC. 6. *Be it further enacted*, That the board of internal improvements shall have the right, under this act, to send an agent of the State annually to examine into the condition of said railroad company, and report the same to the Governor and council.

And the question being thereon,

Mr. Fleming offered the following amendment, viz:

Strike out all of section 5 after the word "same," and insert the words "after the ratification of this act," so as to substitute them for the words "prior to the passage of this act," in the original bill.

And the question being thereon, Mr. Bridgers moved the yeas and nays, but withdrew the motion.

The question then being put on the motion of Mr. Fleming, it was not adopted.

The question recurring on the amendment of Mr. McKay,

Mr. Sparrow offered the following amendment to section 5, concerning executions against the company:

"*Provided*, That said exemption from execution shall not

extend to any claim or demand against said company of fifty dollars, or under."

And it was accepted.

Mr. Kirby then offered the following amendment :

"*Be it further enacted*, That in case any railroad company shall be incorporated hereafter, running eastwardly from the town of Fayetteville ; or if the Wilmington & Weldon Company shall ever build a branch under their charter, then the said Western Railroad Company shall join in the erection of any warehouses and passenger sheds that may be necessary to render such connection as perfect as possible, and regularly use the same for the reception and delivery of all passengers and goods, and other articles whatever ; and the said railroad company shall not discriminate by its charges against the company or companies so connecting with its railway."

And it was accepted.

Mr. Norwood offered the following amendment to the first line, section 5, of the amended bill :

Insert after the word "execution" the words "issuing from a court of law."

And it was accepted ; and the question recurring upon the amendment of Mr. McKay,

Mr. Fagg moved the amended bill and amendment be laid on the table, and it was not adopted ; and the question was then put upon the amendment, and it was adopted ; and section five of the amended bill concerning executions against the company being first stricken out, the question recurred upon the passage of the bill, as amended, when

Mr. Stephens offered an amendment which was withdrawn ; and

Mr. Fagg moved to lay the bill on the table, and make it the special order for Tuesday, the 13th December inst.

The Speaker ruled the motion of a special order to be within the meaning of the prohibition contained in the 38th rule, which requires one day's notice to be given of a motion to suspend any standing rule or order of the House ; and this being a standing rule of the House, viz : the 52nd, which requires all bills to be dispatched in the order in which they

stand upon the calendar, Mr. Fagg accordingly withdrew his motion, and then moved to lay the bill upon the table.

The Speaker was about to consider this motion, in connection with the prohibition contained in the 24th rule, to wit: "No motion to lay upon the table, &c. * * * * being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition," when,

On motion of Mr. Waddill,

And at 1 o'clock 58m., the House adjourned.

FRIDAY, DECEMBER 3, 1858.

Mr. Gaither, of Davie, presented the memorial of F. M. Phillips, and others, for the emancipation of Ephraim; which, being read, was referred to the committee on slaves and free persons of color.

Mr. Reeves presented the memorial of J. F. Graves, and others, and the counter-memorial of Elisha Bonner, and others, concerning a charter for Mt. Airy, in Surry county; which were referred to the committee on corporations and currency.

Mr. Bryan, of New Hanover, presented the petition of Abraham Weill, and others, for the religious emancipation of the Jewish citizens of the State. Filed with Mr. Dancy's bill on that subject.

Mr. Baxter, from the committee on propositions and grievances, to whom had been referred

H. 19, Mr. Shaw's bill to establish a penitentiary, reported the same back, and recommended that it do not pass.

Mr. Simpson, from the committee on military affairs, to whom had been referred

H. 30, Mr. Thornburg's bill for the better regulation of the militia, reported the same with the recommendation that it do not pass.

Mr. Simpson also reported, from the same committee,

H. 57, Mr. Martin's bill to abolish the militia system, with the recommendation that it do not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 63, Mr. Chambers' bill to amend the Revised Code, chapter 26, Literary Fund and Common Schools, with the recommendation that it do not pass. Also,

H. 81, Mr. Foy's bill to prevent certain persons from fishing in Onslow county, with the same recommendation.

Mr. Kerr, from the committee on the judiciary, to whom had been referred

H. 83, Mr. Dancy's bill to amend the constitution so as to abolish the religious disqualification of Jews, reported as follows, in writing:

"The committee on the judiciary, to whom was referred House bill, No. 83, to repeal so much of section 2nd of article 4th of the amended constitution of North-Carolina as prohibits persons of the Jewish or Isrealitish faith from holding offices of profit or trust in the State, have had the same under consideration, and beg leave to submit thereon, the following:

"The committee are of opinion that the principle on which the bill is founded, is correct. No person should be proscribed or placed under any civil disabilities on account of religious faith. *Religion* is a matter which concerns us all as individuals. It is not the proper subject of the cognizance of civil tribunals. God alone, the maker and searcher of hearts, has the right to judge an intelligent and accountable creature on account of the religious faith by which such creature is governed. When government assumes the right to interpose in this behalf, it usurps the prerogative of the Almighty, and violates the most sacred privilege of man. The provision of the constitution proposed to be abrogated by the bill, was inserted at a period when the principles of religious liberty were very imperfectly understood in North-Carolina. It is a relic of an age of bigotry and intolerance, unfit to be associated in our fundamental law with the enlightened principles of republican government, which constitute the basis of our institutions. It is condemned by all generous minds—condemned by the spirit of the age in which we live—and, above all, condemned by the precepts of the Gospel, which inculcates "peace

on earth and good will to man." Such are the views of the committee in regard to the principle on which the bill is founded. Nevertheless, the committee have instructed me to report the bill to the House with a recommendation that it do not pass, because, in the opinion of the committee, it is highly inexpedient at this time to alter or amend the constitution by legislative enactment in any particular whatever.

The people of North Carolina seem to be satisfied with their government. They ask for no change; and it is neither wise nor patriotic to produce discontent, when peace and happiness prevail."

On motion of Mr. Dancy,

This report was ordered to be printed.

Mr. Hill, of Halifax, from the committee on education, to whom had been referred

H. 86, Mr. Byrd's bill, to distribute the literary fund, etc., reported the same, with the recommendation that it do not pass.

Mr. Simpson, from the committee on military affairs, to whom had been referred

H. 89, Mr. Jones' bill, to charter the "Orange Guards," reported the same, with the recommendation that it do pass. Also,

H. 109, Mr. Benbury's bill, to create a military and scientific academy, with a recommendation that it do not pass. Also,

H. 122, Mr. Bryan's bill, to encourage a military company in Wilmington, recommending its passage.

Mr. Kerr, from the judiciary committee, to whom had been referred

H. 107, bill of Mr. Jones, of Craven, concerning registers, reported the same, with the recommendation that it do not pass. Also,

H. 112, Mr. Leffers' bill, to allow commissions on justices' executions, recommending that it should not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 116, Mr. Walser's bill on the subject of poor debtors,

with the recommendation that it be referred to the committee on the judiciary ; and it was so ordered.

The Senate proposed, by message, to raise a joint select committee of four on the part of the House, and three on the part of the Senate, to investigate the condition of the navigation companies in which the State is interested. The House concurred.

Bills, etc., of the following titles, were introduced, read the first time, passed and referred, ordered or filed, as follows :

By Mr. Jones, of Orange : resolution (H. R. 144) concerning the proper mode of warming the hall.

From the Senate : engrossed bill (S. 145) to amend the charter of the Cheowee Turnpike Company.

Also, engrossed bill (S. 146) to charter the Newbern Light Infantry.

Also, engrossed bill (147) to charter the Tuckasegee Turnpike Company.

Also, engrossed bill (148) to charter the Raleigh Gaslight Company.

Also, engrossed bill (149) to amend an act concerning the Reddie's River and Tennessee Line Road.

By Mr. Green, of Franklin : bill (150) to prohibit the sale of spirituous liquors to free persons of color. Ordered to be printed, and referred to the committee on propositions and grievances.

By Mr. Thompson : bill (151) to charter the Atlantic Mutual Fire and Marine Insurance Company. Corporations.

By Mr. Bryan, of N. H. : bill (152) to amend the charter of the bank of Cape Fear. Corporations.

By Mr. Pritchard : bill (153) to charter the North-Carolina Military Institute. Education.

By Mr. Haywood : bill (154) to provide for the payment of a portion of the public debt. Finance.

By Mr. Higgins : bill (155) to charter the Catawba and Bracketown Hydraulic Company. Corporations.

By Mr. Walker : bill (156) to charter the Cherokee County Turnpike. Cherokee lands, &c.

The House then resumed the consideration of the unfinished business of yesterday, viz:

H. 89, Mr. McKay's bill to aid the Western Railroad.

The question being "Shall the bill pass the second reading?"

Mr. Fagg moved the yeas and nays be ordered, and they were ordered.

Mr. Morehead moved it be made a special order.

The Speaker said he thought that, under the rules, the motion should lie over, and the motion was withdrawn.

Mr. Caldwell, of Guilford, moved it be postponed until Wednesday next, the 8th inst., at 12 o'clock.

Mr. Byrd moved to amend by striking out, and inserting Wednesday week, at 12 o'clock; and it was not adopted. The question on Mr. Caldwell's motion was then put, and decided in the affirmative.

At 12 o'clock, the Speaker called up the special order, and it was read, as follows:

Resolved, That Augustus Moore, of the county of Martin, is entitled to a seat in the House.

And the question was put "shall the resolution be adopted?" and

Decided in the affirmative—Yeas 72

Nays 32

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Brummiell, Bryan, of C., Bryan, of N. H., Burke, Byrd, Caldwell, of G., Costner, Cox, of J., Dancy, Dortch, Drake, Eller, Fagg, Faison, Fleming, Foy, Fries, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, Masten, Meares, Moore, of C., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Simpson, Smallwood, Speer, Speight, Stanford, Tomlinson, Thompson, Walker, Wallace,

Washburne, Watters, Watson, Whitfield, Wilson Williams and Woodfin.

And the following in the negative, viz:

Messrs. Bridgers, Bryson, Burns, Caldwell, of B., Chambers, Dockery, Dula, Farrow, Ferebee, Gaither, of I., Gaither, of D., Gardner, Green, of C., Henry, McKay, Martin, Morgan, Morehead, Newby, Outlaw, Purdie, Sanders, Shaw, Smith, Sparrow, Stephens, Thornburg, Waddill, Walser, Ward and Windley.

Mr. Haywood was present, but was, on motion, excused from voting.

On motion of Mr. Kerr,

The House then, it being 2 o'clock, adjourned.

SATURDAY, DECEMBER 4, 1858.

Mr. Caldwell, of Guilford, rose and said that, upon reflection, he was satisfied that the decision of the House yesterday, in the case of the gentlemen from Martin, (Mr. Moore,) was wrong, and that impelled by a sense of duty to himself and the State, he asked unanimous consent to change his vote.

Mr. Ward objected.

The Speaker suggested that the object of Mr. Caldwell was already accomplished. The application was entitled to appear on the journal, and his present opinion would thus be clearly indicated.

Mr. Morehead, under and by virtue of the 45th section of the constitution, directed the clerk to enter upon the journal, that he dissented from and protested against the same decision of the House, as an act which he considered injurious to the public.

Mr. Dortch, from the committee on the judiciary, reported H. 6, his bill to prohibit the circulation of small notes, with a substitute, and recommended its passage.

Mr. Outlaw, from the committee on the judiciary, reported H. 23, Mr. Purdie's bill, to amend the Revised Code, chapter 34, section 119, Crimes and Punishments, with an amend-

mend, and recommended that the bill and amendment be rejected.

Mr. McKay, from the committee on internal improvements, reported

H. 55, Mr. Caldwell's bill to improve the public roads, and recommended its passage. Also,

H. 117, Mr. Bryan's bill to amend the charter of the Wilmington & Manchester Railroad Company, and recommended its passage.

Mr. Simpson, from the committee on private bills reported

H. 118, Mr. Cox's bill to prevent the felling of timber in Tuckahoe and Trent rivers, and recommended its passage.

Mr. Kerr, from the committee on the judiciary, reported

H. 121, Mr. Dortch's bill to protect purchasers under judicial sales, and recommended its passage.

Mr. Fleming, from the same committee, reported

H. 123, Mr. Dortch's bill to amend Revised Code, chapter 68, Marriage, and recommended its passage.

Mr. Kerr, from the same committee, reported

H. 124, Mr. Dortch's bill concerning magistrates' process, and recommended its passage. Also,

H. 125, Mr. Dortch's bill to make husbands liable for the debts of their deceased wives, and recommended its passage.

Mr. Hill, of Halifax, from the committee on corporations and currency, reported

H. 126, Mr. Ward's bill to amend the charter of Union academy, and recommended it be rejected.

Mr. Caldwell, of Burke, from the committee on the judiciary, reported

S. 128, an engrossed bill from the Senate to amend Revised Code, chapter 119, section 15, Wills and Testaments, and recommended it be rejected. Also,

S. 129, an engrossed bill from the Senate concerning oysters and clams, and recommended its passage.

Mr. Kerr, from the same committee, reported

S. 130, an engrossed bill from the Senate to pay tax-listers, and recommended its passage.

Mr. Simpson, from the committee on private bills, reported

H. 139, Mr. Speer's bill to authorize a toll bridge across the Yadkin river, with an amendment, and recommended its passage.

Mr. Kerr, from the committee on the judiciary, reported

H. 140, Mr. Dortch's bill to make corporators competent witnesses, and recommended it be rejected.

Mr. Simpson, from the committee on private bills, reported

H. 141, Mr. Ward's bill to authorize the sale of Sarecta Town Commons, and recommended its passage.

Mr. Fleming, from the committee on the judiciary, reported

H. 142, Mr. Byrd's bill to amend the Revised Code, chapter 66, section 6, to increase justices' jurisdiction, and recommended that it be rejected.

Mr. Kerr, from the committee on the judiciary, reported on

Mr. Costner's resolution concerning paying witnesses in magistrates' trials, that it was not expedient.

Mr. Reeves presented the memorial of D. A. Poindexter, praying for the passage of fish up the Yadkin. Laid on the table.

Mr. Caldwell, of Burke, presented the memorial of B. L. Abernathy and others, for a charter to Rutherford Academy in Burke county. Referred to corporations and currency.

On motion of Mr. Hill, of Halifax,

Resolved, That hereafter when this House adjourn, it adjourn to meet at 10 o'clock, A. M.

On motion of Mr. Drake,

Resolved, That the committee on the judiciary be, and they are hereby, instructed and required to inquire into the propriety of so amending the constitution as to require the members of the General Assembly, as well as all civil and military officers of the State, to be 21 years of age at the time of their election; and that they report by bill or otherwise.

On motion of Mr. Norman,

Resolved, That the committee on so much of the Governor's message as relates to the Geological Survey of the State, be instructed to inquire into the expediency of abolishing the office of State Geologist; and that they have leave to report by bill or otherwise.

Mr. Fleming offered the following resolution :

Resolved, That the question as to the right of William P. Taylor to a seat upon this floor be again referred to the committee on elections, with instructions to report the facts more fully, and especially to report whether said Taylor continues to preach the gospel, or whether he did at the time of his election ; whether he administers the sacraments and ordinances of the church—especially baptism and the Lord's Supper ; and that they have power to send for persons and papers, and that they report by bill or otherwise.

And the question being thereon, it was not adopted.

The Speaker announced a message from the Governor, transmitting the report of Jacob Siler for 1857-'8, and a recommendation to begin proceedings at law against a defaulting agent.

On motion of Mr. Caldwell, of Burke,

Sent to the Senate, with a proposition to print.

Bills, etc., of the following titles, were read the first time, passed the first reading, were filed for the second reading, referred, or otherwise disposed of, as follows, viz :

By Mr. Fries : bill (157) to charter the town of Kernersville, in the county of Forsythe. Referred to the committee on propositions and grievances.

By Mr. Bryan, of N. H. : bill (158) to charter the Wilmington and Ocean Steam Navigation Company. Private bills.

By Mr. Baird : resolution (H. R. 159) in favor of J. H. Hilliard. Claims.

By Mr. Ward : resolution (H. R. 160) relative to the geological survey.

By Mr. Bridgers : bill (161) to amend the Revised Code, chapter 42, Entries and Grants. Judiciary.

By Mr. Norwood : bill (162) to render unnecessary the word " heirs " to create a fee simple. Judiciary.

By Mr. Henry : bill (163) to authorize the county court of Bertie to levy wharfage. Propositions and grievances.

By Mr. Stanford : bill (164) to incorporate the trustees of Kenansville Female Seminary. Private bills.

By Mr. Ward: bill (165) to authorize and require the collection of statistics. Propositions and grievances.

By Mr. Foy: bill (166) to amend the charter of the Western Railroad to the Coalfields. Internal improvements.

From the Senate: bill (167) to amend the charter of the Tuckasegee and Nantahala Turnpike Company.

At 1 o'clock, Mr. Clapp moved the House do adjourn, and it was not adopted.

Bills, etc., on the calendar, of the following titles, were read the second time, passed the second reading, and were filed for the third reading, or otherwise disposed of, as follows, viz:

H. 19, Mr. Shaw's bill to provide for a penitentiary did not pass the second reading.

H. 22, Mr. Simonton's bill to extend the limits of the town of Statesville passed the second reading.

H. 29, Mr. Gentry's bill to establish the county of Alleghany being read the third time, and the question put, "shall this bill pass its third reading?" it was

Decided in the affirmative—Yeas 59

Nays 42

On motion of Mr. Norman,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Baird, Barbee, Brummell, Bryson, Burns, Burke, Byrd, Chambers, Clapp, Costner, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Harrington, Hester, Hill, of S., Higgins, Holdselaw, Kerr, Leffers, Love, McKay, Martin, Masten, Meares, Moore, of N. H., Morehead, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Shaw, Simonton, Simpson, Speer, Taylor, Tomlinson, Waddill, Walker, Wallace, Washburne, Watters, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baxter, Benbury, Blount, Bridgers, Bryan, of N. H., Caldwell, of B., Caldwell, of G., Cox, of J., Cox, of P., Dancy, Farrow, Ferebee, Foy, Gatling, Green, of F., Hargrove, Haywood, Henry Hill, of H., Hutchins, Jones, of O.,

Kirby, Leak, Lewis, Lyon, McCotter, Moore, of M., Morgan, Newby, Norman, Ontlaw, Purdie, Sanders, Sparrow, Speight, Stanford, Stephens, Thompson, Thornburg, Ward and Windley.

The House, then, it being 1 o'clock 20m., on motion of Mr. Kerr, adjourned to meet on Monday, at 10 o'clock, A. M.

MONDAY, DECEMBER 6, 1858.

The Speaker announced the following committee on enrolled bills, viz: Messrs, Hill of Stokes, Chambers, Burke, Baird and Leak.

Mr. Sparrow presented the memorial of John Meares, and others, asking the General Assembly to charter a railroad from Washington to Yanceyville; which was, on his motion, laid on the table, and ordered to be printed.

Mr. Gaither, of Iredell, offered the following resolution, viz:

Resolved, That Joint Rule 15, be so amended, as that no paper, bill or other document shall be printed in cases where objection is made thereto, unless two-thirds of the members present shall vote in favor of the motion to print.

Mr. Hall offered the following resolution:

WHEREAS, The successful raising of sheep is rendered impossible in certain sections of the State, on account of the number of dogs kept by a few of the citizens:

Resolved, That the committee on finance be requested to enquire into the propriety of taxing all dogs more than two kept by the head of a family or other member of his household; and report by bill or otherwise,

Which, being read, was adopted.

Mr. Fries, from the committee on finance, reported:

H. 12, Mr. Sparrow's bill to amend Revised Code, chapter 99, title revenue, with regard to tax-listers, with the recommendation that it do not pass.

Mr. Hill, of Halifax, from the committee on elections, reported

H. 153, Mr. Pritchard's bill to charter the North-Carolina

military institute, with the following amendments, and recommended that so amended, the bill be passed, viz :

(1) Strike out all of section 1 after the word "institute," in line 10.

(2) Strike out all of section 3 after the word "science," in line 8.

(3) Strike out all of section 4 after the word "same," in line 3.

(4) Strike out section 5.

Bills, etc., of the following titles, were introduced, read the first time, passed the first reading, and were respectively referred, or disposed of as follows :

By Mr. Blount: bill (H. 168) in favor of James Connolly. Claims.

By Mr. Foy: resolution (H. R. 169) calling for a correct list of the acting magistrates in each county. Withdrawn.

By Mr. Kerr: resolution (170) in favor of John Word, of Caswell county. Claims.

By Mr. Love: resolution (171) in favor of H. N. Britton, of Haywood county.

By Mr. Woodfin: resolution (172) in favor of R. L. Jones and others. Cherokee lands, etc.

By Mr. Ward: resolution (173) concerning the distribution of copies of the Revised Statutes to justices of the peace. Geological survey.

By Mr. Stanford: bill (174) concerning Duplin county courts. Judiciary.

By Mr. Sparrow: bill (175) to amend the act of 1848-'49, relating to fishing in Tar and Pamlico rivers. Propositions and grievances.

By Mr. Green, of Franklin: bill (176) for the county of Franklin. Propositions and grievances.

By Mr. Burke: bill (177) to open the Catawba river to the passage of fish. Propositions and grievances.

By Mr. Eller: bill (178) to improve the public road between Wilkesboro' and Jefferson. Internal improvements.

By Mr. Moore, of Chatham: bill (179) to charter the Bingham Coal Mining Company.

Bills, etc., of the following titles, were read the second time, passed the second reading, or were otherwise disposed of, as follows :

H. 23, Mr. Purdie's bill to amend the Revised Code, chapter 34, section 114, Crimes and Punishments, in which an amendment and unfavorable report had been filed on the 4th of December, passed the second reading.

H. 30, Mr. Thornburg's bill for the regulation of the militia, in which an unfavorable report had been filed, passed the second reading.

H. 31, Mr. Walser's bill to authorize the Governor to make the halls ready for the General Assembly passed the second reading.

H. 33, Mr. Faison's bill to amend Revised Code, chapter 99, Revenue, concerning sheriffs' settlements, did not pass the second reading.

H. 39, Mr. Williams' bill concerning wills and testaments did not pass the second reading.

H. 40, Mr. Williams' bill concerning internal improvements being read the second time, and the question being "Shall this bill pass the second reading?"

Mr. Hill, of Halifax, moved that it be postponed until tomorrow at 11 o'clock.

Mr. Kerr moved to amend by inserting Friday at 12 o'clock, and the question being thereon it was adopted.

At 12 o'clock, on motion of Mr. Hill, of Halifax, a message was sent to the Senate, informing that body that the hour for counting the votes for Governor in August last had arrived, and the House waited to receive them.

Immediately after which, the Senate, preceded by their Speaker and Secretary, arrived in the hall, and were received by the House standing. The Speaker of the Senate took a chair on the right of the Speaker, and the Senators were seated in like manner in the seats on his right. And the Speaker of the Senate having announced the business of the Convention, and that a majority of both Houses were present, proceeded to open the returns in alphabetical order, reading them aloud. The Clerk of the House and the Secretary of

the Senate, under the supervision and direction of the tellers already named and appointed, recorded the votes as pronounced by the presiding officer, and, when all the county returns had been ascertained and recorded, handed the lists to the tellers, who retired, and, soon after returning, made the following report, viz :

"The joint committee appointed on the part of the Senate and House of Commons to superintend the counting of votes cast for Governor in August last, have discharged their duty and beg leave to report, that the Hon. John W. Ellis, of Rowan, received fifty-six thousand, four hundred and twenty-nine votes, and the Hon. Duncan K. McRae received forty thousand and forty-six votes. Hon. J. W. Ellis, having received a majority of all the votes cast, is duly elected. All of which is respectfully submitted, &c."

Which, being read, the Speaker of the Senate announced the result, and, in the presence and hearing of all, declared John W. Ellis Governor of North-Carolina for two years from and after the 1st day of January next, when he will be installed, and until another shall be duly elected and qualified.

There being no dissent, the Speaker of the Senate dissolved the Convention, and, followed by the Senate, withdrew.

The following is the list of votes, taken down by the Clerk of the House, viz :

COUNTIES.	FOR J. W. ELLIS.	FOR D. K. McRAE.
Alamance,	835	616
Alexander,	430	350
Anson,	325	774
Ashe,	809	683
Bertie,	459	321
Beaufort,	585	780
Bladen,	683	329
Brunswick,	336	435
Buncombe,	980	701
Burke,	525	521
Cabarrus,	481	582
Caldwell,	371	500

COUNTIES.	FOR JNO. W. ELLIS.	FOR D. K. McRAE.
Camden,	112	454
Catawba,	990	181
Carteret,	423	261
Caswell,	996	184
Chatham,	1077	1113
Cherokee,	552	635
Chowan,	307	184
Columbus,	689	291
Craven,	759	559
Currituck,	638	142
Cleaveland,	1104	207
Cumberland,	854	652
Davie,	408	586
Davidson,	971	1064
Duplin,	1257	132
Edgecombe,	871	108
Franklin,	825	372
Forsyth,	882	634
Gaston,	845	99
Gates,	402	393
Granville,	1083	783
Greene,	328	151
Guilford,	409	1819
Henderson,	526	672
Haywood,	527	215
Halifax,	712	401
Harnett,	639	201
Hertford,	309	325
Hyde,	421	412
Jackson,	587	99
Johnston,	819	728
Jones,	238	182
Iredell,	384	1256
Lenoir,	462	274
Lincoln,	601	222
Madison,	499	231
Macon,	365	357

COUNTIES.	FOR JNO. W. ELLIS.	FOR D. K. McRAE.
Martin,	646	150
Mecklenburg,	998	455
Montgomery,	323	581
McDowell,	429	368
Moore,	658	666
Nash,	804	321
New-Hanover,	1410	407
Northampton,	648	365
Onslow,	777	141
Orange,	1012	1037
Pasquotank,	324	436
Person,	636	196
Pitt,	733	723
Perquimons,	300	320
Polk,	248	144
Randolph,	492	1230
Richmond,	258	527
Robeson,	759	532
Rockingham,	1127	332
Rowan,	1226	852
Rutherford,	600	689
Sampson,	1041	485
Stanly,	139	821
Stokes,	788	396
Surry,	989	464
Tyrrell,	217	154
Union,	824	309
Wilson,	880	108
Wake,	1659	778
Warren,	872	100
Washington,	288	206
Watauga,	246	381
Wayne,	1236	164
Wilkes,	562	1081
Yadkin,	737	757
Yancy,	863	199
	<hr/> 56,429	<hr/> 40,046

On motion of Mr. Hutchins,

Resolved, That the use of the Hall be granted to the Rt. Rev. Bishop Lynch, of South-Carolina, to-morrow night, for a religious lecture.

On motion of Mr. Simpson,

And at 1 o'clock 20m., the House adjourned.

TUESDAY, DECEMBER 7, 1858.

Mr. Eller presented the memorial of James Eller, and others, concerning public roads in Wilkes and Ashe; which was referred to the committee on internal improvements.

Mr. Martin presented the memorial of J. T. Brickwell, and others, praying an amendment of the license law. Same committee.

Mr. Masten presented the memorial of J. E. Scales, and others, concerning obstructions in the Yadkin River. Same committee.

Mr. Baxter, from the committee on propositions and grievances, reported a substitute for

H. 97, to amend an act concerning Harnett county; and recommended its passage.

Mr. Norwood, from the committee on the judiciary, reported and recommended the passage of

H. 119, Mr. Dortch's bill to amend Revised Code, chapter 78, Official Bonds, also, with the same recommendation,

H. 137, Mr. Smith's bill to change the time of holding the Supreme Court of North-Carolina.

Bills, etc., of the following titles, were introduced, read, passed the first reading, and were respectively filed for the second reading, or referred as follows, viz:

By Mr. Woodfin: resolution (H. R. 180) in favor of H. H. Davidson. Claims.

By Mr. Blount: bill (H. 181) concerning clerk of the county court of Robeson. Private bills.

By Mr. Bryan, of New Hanover: bill (182) concerning duels and duelling. Judiciary,

From the Senate : bill (183) to charter the Buckhorn Iron Mining Company.

By Mr. Dula : bill (184) to amend the charter of the town of Lenoir. Corporations.

By Mr. Outlaw : bill (185) to amend the Revised Code, chapter 46, Executors and Administrators. Judiciary.

By Mr. Fagg : bill (186) to establish a public road in Madison county. Internal improvements.

By Mr. Costner : bill (187) to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company. Internal improvements.

By Mr. Sparrow : bill (188) to provide more effectually for preventing the escape of slaves. Judiciary.

By Mr. Foy : bill (189) concerning free-negroes. Slaves and free persons of color.

By Mr. Holdsclaw : bill (190) for the encouragement of military officers.

Bills, etc., of the following titles, being read the second time, passed the second reading, or were otherwise disposed of as follows :

H. 30, Mr. Thornburg's bill to regulate the militia passed the second reading.

H. 41, Mr. Williams' bill concerning slaves, was,

On motion of Mr. Kerr,

Postponed 'til Monday next, 13th, at 12 o'clock.

H. 42, bill of Mr. Cox, of Pitt, to regulate assignments for creditors, did not pass second reading.

H. 43, Mr. Bryan's bill concerning the Wilmington and Weldon Railroad Company, was,

On motion of Mr. Hill, of Halifax,

Postponed until Tuesday next, 14th inst., at 11 o'clock.

A message was received from the Governor, by Pulaski Cowper, Esq., private secretary, accompanying several railroad reports ; which were,

On motion of Mr. Foy,

Sent to the Senate, with a proposition to print.

On motion of Mr. Bryan, of New Hanover,

And pursuant to notice,

The 41st Rule of the House was amended by striking out the word "electoral," and inserting in lieu thereof, the word "congressional."

The resolution of Mr. Gaither, relative to orders to print, was then read as follows, viz :

Resolved, That joint rule 15 be so amended, that no bill, paper, or other document, shall be printed in cases where objection is made thereto, unless two-thirds of the members present shall vote in favor of the motion to print.

And the question being thereon, was put, and

Decided in the negative—Yeas 30

Nays 79

On motion of Mr. Dula,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Caldwell, of B., Chambers, Craven, Dargan, Dockery, Dula, Eller, Fagg, Gaither, of D., Gaither, of L., Henry, Leak, Martin, Morgan, Newby, Norman, Purdie, Reeves, Sanders, Simonton, Smith, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Washburne, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burke, Byrd, Caldwell, of G., Clapp, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Drake, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Norwood, Outlaw, Pritchard, Ransom, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Sparrow, Speight, Walker, Wallace, Walser, Ward, Watters, Watson, Whitfield, Wilson and Williams.

The Senate, by message, informed the House of the appointment of the following Senators to the several joint committees named below, viz :

On the Governor's Message relative to a Monument in In-

dependence square, Philadelphia : Messrs. Houston and Turner.

On the Fisheries : Messrs. Dillard, Cherry, Guyther, Blount and Williams.

On Cape Fear and Deep River Navigation Company : Messrs. Cherry, Davidson and Gilmore.

On Yadkin Navigation Company : Messrs. Dobson, Martin and Carmichael.

On Roanoke Navigation Company : Messrs. Brown, Cowper and Boyd.

On Albemarle and Chesapeake Canal Company : Messrs. Ashe, McDowell and Williams.

On Neuse River Navigation Company : Messrs. Speight, Leach and Ward.

On Taw River Navigation Company : Messrs. Douthitt, Lane and Person.

On Raleigh & Gaston Railroad : Messrs. Whitaker and Davis.

On Wilmington & Manchester Railroad : Messrs. McKoy and McDonald.

On Wilmington & Weldon Railroad : Messrs. Gilmore and Flanner.

On North-Carolina Railroad : Messrs. Mills and Worth.

On Western North-Carolina Railroad : Messrs. Steele and Pool.

On Wilmington & Rutherford Railroad : Messrs. Turner and Battle.

On North-Carolina & Atlantic Railroad : Messrs. Edney and Carmichael.

On New River Navigation Company : Messrs. Cunningham, Walkup and Guyther.

At 12 o'clock, the Speaker announced the special order, being the resolutions introduced by Mr. Benbury, as follows :

WHEREAS, The 30th section of the Constitution declares that "no clerk of any court of record" shall have a seat in the House of Commons ; and

WHEREAS, Section 4th of the amended Constitution declares that "no person who shall hold any office or place of trust

and profit under the State shall hold or exercise any other office or place of profit or trust under the authority of this State, or be eligible to a seat in either House of the General Assembly;" and

WHEREAS, E. G. Haywood holds the office of clerk and master of the court of equity for Wake county: therefore,

1. *Resolved*, That E. G. Haywood, one of the sitting members of the House for Wake county, is constitutionally disqualified to hold said seat.

2. *Resolved*, That the seat now held by E. G. Haywood in the House of Commons is hereby declared vacant.

3. *Resolved*, That the Speaker of the House of Commons be instructed to issue his writ of election to supply the said vacant seat.

Mr. Haywood took the floor, and addressed the House until 1 o'clock 18m., when,

On motion of Mr. Outlaw,

The House adjourned.

WEDNESDAY, DECEMBER 8, 1858.

The Speaker announced the following committees to constitute the House branch of the committees named below, viz:

Roanoke Navigation Company: Messrs. Smallwood, Caldwell, of G., Hester and Windley.

Neuse Navigation Company: Messrs. Faribault, Tomlinson, Dockery and Drake.

Yadkin Navigation Company: Messrs. Hall, of Rowan, Gaither, of I., Speer and Reeves.

Albemarle and Chesapeake Navigation Company: Messrs. Newby, Baxter, Henry and Norman.

Deep River Navigation Company: Messrs. Thompson, Moore, of C., Benbury and Martin.

New River Navigation Company: Messrs. Foy, Cox, of J., McCotter and Bryan, of C.

Taw River Navigation Company: Messrs. Dancy, Sparrow, Cox, of P., and Hutchins.

Philadelphia Monument: Messrs. Hargrove, Benbury and Fleming.

The Speaker laid before the House the annual statements of the Farmer's Bank and Bank of Fayetteville, which,

On motion of Mr. Kerr,

Were sent to the Senate with a proposition to print.

On motion of Mr. Ward,

The committee on internal improvements were instructed to inquire into the practicability and expediency of consolidating the N. C., the Western N. C., and the Atlantic Railroad Companies, so as to put the entire line from Beaufort to the Western Railroad terminus under one direction; and to report by bill or otherwise.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 48, Mr. Bryson's bill to charter the Cowee Mining and Manufacturing Company, with the following amendments:

SEC. 1. Strike out all after the word "same," in the 16th line, and insert "and may hold and convey real and personal estate to an amount not exceeding \$500,000."

SECS. 2 & 3. Strike out all, and insert "capital stock shall not exceed \$500,000, divided into shares not less than ten dollars."

And, so amended, they recommended the bill do pass.

Mr. Hill, from the same committee, also reported

H. 51, Mr. Bryson's bill to charter the Wa-ye-hutta Mining and Manufacturing Company, with the following amendments, viz:

SEC. 1. Strike out all after the word "same," in line 15, down to the word "and" in the 23rd line.

SECS. 2, 3 & 4. Strike out the whole.

And, so amended, they recommended its passage.

Mr. Hill, from the same committee, also reported

H. 69, Mr. Love's bill to charter the Potosi Mining Company, with the following amendments, viz:

SEC. 1. Strike out all after the word "company" in the 12th line, and add the following: "For the purpose of opening and working mines and manufacturing and smelting ores; and

said corporation shall have the power to hold and convey all such property, real, personal or mixed, as they may require for the purposes aforesaid, not exceeding \$500,000."

And, so amended, they recommended it do pass.

Mr. Hill, from the same committee, also reported

H. 184, Mr. Dula's bill to amend the charter of Lenoir, in Caldwell county, and recommended it do pass.

Bills, etc., of the following titles, were introduced, read, passed the first reading, and were filed for the second reading, or referred as follows, viz:

By Mr. Ferebee: resolution (H. R. 191) concerning the distribution of Emmon's Report, No. 2.

By Mr. Fleming: bill (192) to establish the Bank of Salisbury.

Ordered to be printed, and referred to the committee on corporations and currency.

By Mr. Cox, of Jones: bill (193) in favor of Wm. Pellock, late sheriff of Jones county.

By Mr. Hall, of Rowan: bill (194) to prevent the felling of timber in certain streams in Rowan. Private bills.

A bill of the following title then being read the third time, passed the third reading, and was ordered to be engrossed and sent to the Senate, viz:

H. 23, Mr. Purdie's bill to amend the Revised Code, chapter 34, section 119, Crimes and Punishments, as amended by the judiciary committee on the second reading.

H. 30, Mr. Thornburg's bill for the better regulation of the militia was read the third time, and the question put "Shall this bill pass the third reading?" when

Mr. Outlaw moved the same be indefinitely postponed; and the question thereon was put and

Decided in the affirmative—Yeas 79

Nays 29

On motion of Mr. Caldwell of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan of N. H., Bryson, Burke, Byrd,

Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Cox, of P., Craven, Dancy, Dockery, Drake, Eller, Fagg, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Leak, Lewis, Long, McCotter, McKay, Martin, Moore, of C., Moore, of N. H., Morehead, Newby, Norwood, Outlaw, Pritchard, Purdie, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Smith, Speer, Speight, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watson, Whitfield, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Costner, Dargan, Dickson, Dula, Faison, Gardener, Gatling, Green, of F., Hester, Hill, of S., Kerr, Kirby, Leffers, Long, Love, Masten, Moore, of M., Morgan, Norman, Ransom, Reagan, Ripley, Simpson, Stanford, Stephens, Wallace, Watters and Wilson.

H. 31, Mr. Walser's bill to authorize the Governor to prepare the halls for the reception of the General Assembly being read third time, did not pass the third reading.

The Speaker then called up the unfinished business of yesterday, being the resolutions of Mr. Benbury concerning the seat of Mr. Haywood, already recited.

Mr. Haywood concluded his argument, and Mr. Benbury was heard in reply, when

Mr. Norwood claiming the floor, the further consideration of the resolutions was postponed, on motion of Mr. Kerr, until to-morrow, at 11 o'clock.

Mr. Norwood then introduced the following preamble and resolutions :

WHEREAS, This House has learned with profound emotion that the Hon. Frederick Nash, Chief Justice of the Supreme Court, departed this life, at his residence in Hillsboro', on Saturday morning last :

Resolved, That the sad intelligence is received by the representatives of the people of North-Carolina, whom he has so

long, so faithfully and so ably served, with feelings of the deepest sorrow.

Resolved, That on this melancholy occasion, his great virtues, his eminent learning, his long continued usefulness, his devoted patriotism and his Christian piety, are remembered and cherished with grateful sensibility by the whole State, whose son he was, and to whose service his life was devoted.

Resolved, That it is fit that on the journals of this House, one of the theatres which he adorned, amid the other memorials of our gratitude and pride, a record should live of the fond affection and venerated regard in which that illustrious judge and good man was held by his countrymen.

Resolved, That the Speaker be requested to transmit the widow and family of Judge Nash a copy of these resolves, with an expression of our heartfelt sympathy in their bereavement and the public loss.

Resolved, That these proceedings be spread upon the journals of this House.

Which being read and unanimously adopted, the House immediately adjourned.

THURSDAY, DECEMBER 9, 1858.

Mr. Jones, of Orange, presented the memorial of John H. Cook, chairman, and other commissioned officers of the volunteer militia of the State, praying certain amendments to the militia laws; which was, on his motion, referred to the committee on military affairs.

Mr. Kerr, from the committee on the judiciary, to whom was referred the resolution of Mr. Drake, concerning the qualification of 21 years of age to a seat in the House, etc., reported the same back to the House and recommended no action.

Mr. Kerr, from the same committee, also reported the memorial of Abraham Weill, and others, in favor of the religious emancipation of the Jews, and that it was not expedient to legislate thereon.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 49, Mr. Woodfin's bill to charter the Southern Mining & Manufacturing Company, with the following amendments, viz:

Sec. 1. Strike out all after the word "company," in the 12th line, and add: "for the purpose of opening and working mines and manufacturing and smelting ores, said company shall have power to hold and convey all such property as they may require for the purpose aforesaid."

(2.) Strike out sections 3 and 4; and, so amended, recommended the bill do pass. Also,

H. 80, Mr. Love's bill to charter the Savannah Mining and Manufacturing Company, and recommended its passage.

Mr. Bryson, from the committee on Cherokee lands, reported

H. R. 106, Mr. Woodfin's resolution in favor of certain entries of Cherokee lands, and recommended that it be referred to the committee on the judiciary; and it was so ordered.

Mr. Scales, from the committee on claims, reported,

H. R. 115, Mr. Norwood's resolution in favor of John Caldwell's executors, and recommended it do pass.

Mr. Bryson, from the committee on turnpikes, etc., reported.

H. 134, Mr. Whitfield's bill concerning public roads, and recommended it do not pass.

Mr. Hill, of Halifax, from the committee on corporations, reported,

H. 155, Mr. Higgins' bill to charter the Catawba and Bracket-town Hydraulic Company, with the following amendments:

Strike out all of section 1, after the word "Carolina" in the 10th line,

Section 3, line 6, after the word "shares," insert "of not less than ten dollars each."

Mr. Kerr from the judiciary committee, reported

H. 162, Mr. Norwood's bill to render the word "heirs" unnecessary to create a fee-simple, and recommended it do not pass.

Mr. Hall, of Warren, from the committee on claims, reported,

H. R. 168, Mr. Blount's resolution in favor of Jas. Connolly, and recommended its passage.

Mr. Kerr, from the committee on the judiciary, reported,

H. 174, Mr. Stanford's bill concerning the county courts of Duplin, and recommended that it do pass.

Bills, etc., of the following titles, were introduced, read etc., as follows, viz:

By Mr. Stanford: bill (195) to improve the navigation of Black swamp, and to charter a company therefor. Internal improvements.

By Mr. Reeves: bill (196) to charter a road to Fisher's gap in Surry county.

By Mr. Hill of Halifax: bill (197) to charter the Educational Association. Education.

By the same: bill (198) concerning common schools. Education.

The resolution (H. R. 191) of Mr. Ferebee, from the committee on the geological survey, concerning Emmons' report, being read the second time,

Mr. Caldwell of Guilford, moved to amend by adding "one copy for the reporters and one copy for each of the editors of the State;" and it was not adopted.

Mr. Reeves moved to strike out "Boston," and insert "Charleston, New Orleans, Mobile and Augusta;" and it was not adopted.

The resolution then passed the second reading without amendment, and, on motion of Mr. Ferebee, the rules were suspended, and it passed the third reading, and was ordered to be engrossed and sent to the Senate.

At 11 o'clock, the Speaker called up the special order, viz: the resolutions of Mr. Benbury, concerning the seat of E. G. Haywood.

Mr. Benbury moved to strike out the two last resolutions, and it was adopted.

Mr. Hill, of Halifax, moved to postpone the question until

Saturday, the 15th January, and the question thereon was put, and

Decided in the affirmative—Yeas 59

Nays 47

On motion of Mr. Martin,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz :

Messrs. Badham, Baxter, Blount, Bryan, of C., Bryan, of N. H., Byrd, Cox, of J., Dancy, Drake, Faison, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Hall, of R., Hall, of W., Hargrove, Hester, Hill, of H., Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Long, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Norwood, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simpson, Sparrow, Speight, Stanford, Tomlinson, Walker, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

And the following voted in the negative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Harrington, Henry, Hill, of S., Higgins, Holdsclaw, Lewis, Love, McCotter, Martin, Morehead, Morgan, Newby, Norman, Outlaw, Purdie, Ripley, Sanders, Simonton, Smith, Speer, Stephens, Thornburg, Waddill, Windley and Woodfin.

Mr. Hill, of Halifax, offered the following resolution :

Resolved, That the opinion of the supreme court upon the following questions be and is hereby respectfully requested, viz :

1. Is a clerk and master in equity "a clerk of a court of record," as described and intended in section 30 of the Constitution of North-Carolina ?

2. Is a clerk and master in equity such a person holding an office of trust and profit as is made ineligible, under the art. 4, section 4, of the amended Constitution, to a seat in either House of the General Assembly.

The question being upon this resolution of reference,

Mr. Badham moved to strike out the words "supreme court," in the first line, and insert in lieu thereof the words "committee on the judiciary;" and the question being upon this amendment,

Mr. Norwood moved to amend the amendment by adding the words, "or any other clause of the Constitution," at the end of the first query in the resolution; and the question being thereon, Mr. Outlaw moved to lay the same upon the table, and the question thereon was put, and

Decided in the negative—Yeas, 40

Nays, 68

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered; and the following members voted in the affirmative, viz:

Messrs. Baird, Benbury, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Cox, of P., Craven, Dockery, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of L., Green, of C., Hall, of W., Harrington, Henry, Leak, McCotter, Martin, Morgan, Newby, Outlaw, Purdie, Ripley, Sanders, Simonton, Smith, Sparrow, Speer, Stephens, Taylor, Thornburg, Waddill, Walser, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Burke, Byrd, Costner, Cox, of J., Dancy, Dargan, Dickson, Drake, Faison, Farrow, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Hall, of R., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kerr, Leffers, Long, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simpson, Speight, Stanford, Tomlinson, Walker, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

The question then recurring upon the amendment offered by Mr. Norwood, to the amendment of Mr. Badham, Mr. Fagg offered the following resolution, viz:

Resolved, That Edward G. Haywood is entitled to his seat

on this floor, although he is clerk and master of the court of equity for the county of Wake.

The chair (Mr. Badham presiding) decided the resolution not in order.

Mr. Norwood then withdrew his amendment to the amendment, and Mr. Fagg repeated his motion.

The chair said the resolution still was not in order, because the proposition it contained was substantially the same with that which the House had already decided to postpone until the 15th January, and it would be competent only in case a motion to reconsider that vote was first adopted.

Mr. Caldwell, of Burke, appealed from the decision, and the question being "Shall the decision of the chair stand as the judgment of the House?" was put, and

Decided in the affirmative—Yeas, 62

Nays, 41

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Bridgers, Bryan, of C., Bryan, of N. H., Burke, Costner, Cox, of J., Dancy, Drake, Faison, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Hall, of R., Hall, of W., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Long, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Norwood, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simpson, Smith, Sparrow, Speight, Stanford, Tomlinson, Walker, Wallace, Washburne, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Benbury, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Harrington, Henry, Holdsclaw, Love, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Purdie, Ripley, Sanders, Simonton,

Speer, Stephens, Taylor, Thornburg, Waddill, Walser, Ward and Windley.

So the decision of the Chair was sustained ; and the question recurring upon the amendment of Mr. Badham, Mr. Williams moved to lay the same on the table, and withdrew it, and the question was put and the amendment adopted ; and the question being upon the resolution, as amended, was put by the Chair ; when Mr. Taylor moved that the yeas and nays be ordered.

The Chair (Mr. Badham presiding,) decided, under the 32d rule of the House, that the motion was not in order.

From this decision, Mr. Caldwell, of Guilford, appealed, and the question being, " shall the decision of the Chair stand as the judgment of the House ? " was put and decided in the affirmative—there being counted 53 in the affirmative.

The question then recurred upon the adoption of the resolution, as amended.

Mr. Caldwell, of Burke,

Demanded tellers, and Messrs. Kerr and Caldwell, of B., being appointed, reported yeas 50, nays 47 ; so the resolution as amended was adopted.

Mr. Hester moved that the vote by which the House had, this morning, postponed the resolutions of Mr. Benbury be reconsidered.

Mr. Kerr moved that said motion be laid on the table, and the question thereon was put and

Decided in the negative—Yeas 21

Nays 84

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Badham, Barbee, Blount, Bryan, of C., Bryan, of N. H., Foy, Fries, Gentry, Hall of W., Hill, of H., Jones, of C., Jones, of O., Kerr, Kirby, McKay, Masten, Moore, of C., Reeves, Scales, Speight and Watson.

And the following voted in the negative, viz :

Messrs. Baird, Baxter, Benbury, Bridgers, Brummell, Bryson, Burke, Byrd, Caldwell, of B., Caldwell, of G., Cham-

bers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Fleming, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Hutchins, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, Martin, Meares, Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Ripley, Roney, Sanders, Simonton, Simpson, Smith, Speer, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

The question recurring on the motion of Mr. Hester to reconsider the vote by which the House had postponed the question upon the resolutions of Mr. Benbury, Mr. Dargan said that he was opposed to the reconsideration asked for, and asked leave to change his vote against the motion to postpone, so as to show upon the journal that he thought that disposition of the question before the House the most advisable, and, leave being granted, the House proceeded to vote upon the question before it with the following result :

Yeas..... 69

Nays..... 41

On motion of Mr. Sparrow,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Benbury, Bridgers, Brummell, Bryson, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dockery, Dula, Drake, Eller, Fagg, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gatling, Green, of C., Hall, of R., Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Leffers, Lewis, Love, McCotter, Martin, Moore, of M., Morehead, Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Ransom, Ripley, Roney, Sanders, Sherrill, Simonton, Simpson, Smith, Sparrow, Speer, Stanford, Stephens, Taylor, Thornburg, Waddill, Walker, Walser, Watters, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bryan, of C., Bryan, of N. H., Byrd, Cox, of J., Dargan, Faison, Farrow, Foy, Fries, Gardner, Gentry, Hall, of W., Hargrove, Hill, of H., Jones, of C., Kerr, Kirby, Leak, Long, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Norwood, Reeves, Scales, Shaw, Speight, Tomlinson, Wallace, Ward, Watson, Washburne, Whitfield and Wilson.

So the vote by which the question upon the resolutions of Mr. Benbury had been postponed being now reconsidered,

Mr. Dancy moved to strike out the 18th January, and insert the 20th December; and it was not adopted.

Mr. Dargan offered an amendment, which was withdrawn; and,

Mr. Caldwell, of Burke, moved to amend by striking out and inserting 17th December; and it was adopted.

The motion of Mr. Hill, of Halifax, so amended, was then adopted; and the question postponed accordingly until the 17th of December.

Mr. Norwood offered the following resolution, viz:

Resolved, That the committee on the judiciary further inquire if Mr. Haywood be disqualified under any other clause of the constitution.

And it was adopted.

And the House then,

On motion of Mr. Reeves,

It being 1 o'clock 13m., adjourned.

FRIDAY, DECEMBER 10, 1858.

Mr. Walser presented the memorial of Valentine Wimble, and others, concerning Yadkin river; which was, on his motion, referred to the committee on propositions and grievances.

Mr. Sparrow presented the memorial of James H. Dickson, and others, in behalf of the N. C. Medical Association; which was, on his motion, ordered to be printed.

Mr. Benbury offered the following preamble and resolution, viz:

WHEREAS, Wm. P. Taylor, of Chatham county, is a minister of the gospel, and a preacher in the Methodist Episcopal Church;

AND, WHEREAS, Said Wm. P. Taylor holds a seat on this floor, as one of the sitting members from said county: Therefore,

Resolved, That Wm. P. Taylor is constitutionally disqualified for holding a seat in the House of Commons of the General Assembly of North-Carolina.

And the question being thereon, Mr. Benbury moved that the same be postponed until Wednesday next, the 15th inst., at 12 o'clock.

Mr. Dancy moved to amend by referring the resolution to the committee on the judiciary, with instructions to report on Friday next, the 17th inst.; and it was not adopted.

The question was then put on the motion of Mr. Benbury, and it was adopted.

Mr. Kerr moved to reconsider the vote by which the resolution of inquiry of Mr. Hill, of H., had yesterday been adopted and referred to the judiciary committee; and the question being thereon, and a division called for, it appeared that 63 voted in the affirmative.

So the vote was reconsidered; and the question recurring on the adoption of the resolution,

On motion of Mr. Hill, of S.,

It was laid upon the table.

On motion of Mr. Dargan,

A message was sent to the Senate, proposing to proceed forthwith to elect a judge of the supreme court, in place of the Hon. Frederick Nash, deceased, there being counted in favor of the motion 66 votes.

Mr. Martin moved to reconsider the vote by which the House had just ordered a message to the Senate for the purpose stated, when,

On motion of Mr. Williams,

The motion was laid upon the table—there being counted 58 votes in the affirmative.

On motion of Mr. Leak,

Resolved, That in view of the increased taxation which must, of necessity, fall upon the people, the committee on finance be instructed to inquire into the propriety of so altering and amending the 120th section of the Revised Code, chapter 99, Revenue, as to allow the sheriff four per cent. on the nett amount of taxes collected from every source, save that from the clerk of the county court, to be allowed him in the settlement of his account with the comptroller.

On motion of Mr. Outlaw,

Mr. Benbury had leave of absence from to-day until Monday week.

Mr. Dancy gave notice that he would, to-morrow, move to suspend the rules, that

H. 201, bill to enlarge the powers of the Commissioners of Tawboro',

Might be read, and passed the second and third readings.

The Senate informed the House that they concurred in the proposition to proceed forthwith to elect a judge of the supreme court, to fill the vacancy occasioned by the death of Judge Nash, and the election was then held.

The following members of the House voted for THOMAS RUFFIN, Sr., viz:

Messrs. Speaker, Badham, Baird, Benbury, Bridgers, Brummell, Bryan, of C., Bullock, Burke, Byrd, Caldwell, of B., Caldwell of G., Chambers, Clapp, Costner, Cox of J., Craven, Dancy, Dargan, Dickson, Dortch, Drake, Fleming, Fries, Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Lewis, Long, Lyon, McKay, Masten, Meares, Moore, of C., Morehead, Morgan, Norman, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smith, Sparrow, Speer, Taylor, Tomlinson, Wallace, Washburne, Watters, Whitfield, Wilson and Williams—75.

The following voted for GEORGE E. BADGER, viz:

Messrs. Bryson, Dockery, Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Henry, Martin, Newby, Simonton, Stephens, Walker and Walser—14.

The following voted for WM. B. RODMAN, viz :

Messrs. Foy, Love, Moore, of M., Speight and Thompson—5.

The following voted for HARDY S. HOLMES, viz :

Messrs. Bryan, of N. H., Faison, Moore, of N. H., Stanford, and Ward—5.

The following for RICHARD S. DONNELL, viz :

Messrs. Cox, of P., Farrow, McCotter and Windley.—4.

The following for WARREN WINSLOW, viz :

Messrs. Barbee, Blount and Harrington—3.

Messrs. Gatling and Woodfin (2) voted for W. N. H. SMITH.

Messrs. Jones, of C., and Leffers (2) voted for Hon. M. E. MANLY.

Mr. Norwood (1) voted for WM. A. GRAHAM.

Mr. Waddill (1) voted for B. F. MOORE.

Mr. Watson (1) voted for R. M. SAUNDERS.

Mr. Caldwell, of B.,

Gave notice that he would apply, under the rules, for a suspension of the rules to-morrow, in behalf of

H. 9, Mr. McKay's bill to aid the Western Railroad.

The Speaker laid before the House the annual statement of the Bank of Newbern ; which was, on motion of Mr. Kerr, sent to the Senate with a proposition to print.

Bills, etc., of the following titles being introduced, were read, passed the first reading, and filed or referred, as follows :

From the Senate : engrossed bill (S. 199) to establish the line between this State and Virginia.

By Mr. Reeves : bill (200) to establish the county of Dobbin. Propositions and grievances.

By Mr. Dancy : bill (201) to enlarge the powers of the commissioners of Tawboro'.

By Mr. Dula : bill (202) to charter Davenport Female College. Corporations.

By Mr. Sparrow : bill (203) to charter the Medical society. Ordered to be printed.

By Mr. Bridgers : bill (204) to settle the line between Wayne and Wilson. Propositions and grievances.

By Mr. Sherrill : bill (205) to amend the charter of Catawba college. Propositions and grievances.

From the Senate : bill (S. 206) in favor of Franklin military school.

From the Senate : bill (S. 207) in favor of military schools.

From the Senate : bill (S. 208) to secure the freedom of elections for sheriff.

From the Senate : bill (S. 209) concerning the distribution of the laws, journals, &c.

From the Senate : bill (S. 210) amend Revised Code, chapter 59, section 19. Executions.

By Mr. Green, of Franklin : bill to charter the Portis Gold Mining Company. Corporations.

H. 6, Mr. Dortchs' bill concerning small bills. The question being upon the substitute proposed by the judiciary committee, it was not adopted ; and the question recurring, it was postponed until Thursday, the 16th December next, at 11 o'clock.

H. 25, Mr. Burns' bill to charter the North-Carolina College at Mt. Pleasant. The question being upon the substitute proposed by the committee on corporations, it was adopted ; and the question recurring on the bill, as amended, it passed the second reading.

H. 40, Mr. Williams' bill concerning internal improvements. Laid on the table.

H. 44, Mr. Fleming's bill concerning the superior courts of Rowan was laid upon the table.

H. 45, Mr. Fleming's bill in favor of Solomon Klutts passed the second reading, and was filed for the third reading.

H. 47, Mr. Dancy's bill concerning the name of the county seat for Edgecombe. Laid on the table.

H. 48, Mr. Bryson's bill to charter the Cowee Mining and Manufacturing Company. Passed over informally. Also,

H. 49, Mr. Woodfin's bill to charter the Southern Mining and Manufacturing Company.

H. 50, Mr. Craven's bill to amend the Revised Code, chapter 34, section 28, Bastards. Laid on the table.

H. 55, bill of Mr. Caldwell, of Burke, to improve the public roads did not pass the second reading.

Mr. Hargrove, from the committee appointed to superintend the election of supreme court judge, on the part of the House, reported that the whole number of votes cast was 160,—necessary to an election 81; that THOMAS RUFFIN received 80; WARREN WINSLOW 3; R. R. HEATH 3; H. S. HOLMES 11; GEORGE E. BADGER 22; R. S. DONNELL 11; W. N. H. SMITH 2; M. E. MANLY 4; W. A. GRAHAM 3; R. M. SAUNDERS 1; and W. B. RODMAN 8.

There was, therefore, no election.

A message was received from the Senate, proposing to proceed forthwith to the election of a supreme court judge, in place of Hon. Frederick Nash, deceased; and the House concurring therein, an election was held under the superintendence of Messrs. Sparrow and Hargrove, in this House, and Messrs. McDowell and Ramsay, on the part of the Senate, with the following result, viz :

The following members of the House voted for THOMAS RUFFIN, SR., viz :

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Benbury, Bridgers, Bryan, of C., Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dickson, Dortch, Drake, Dula, Eller, Faison, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson,

Thornburg, Wallace, Walser, Washburne, Watters, Whitfield, Wilson, Williams, Windley and Woodfin—98.

The following named members voted for GEORGE E. BADGER, viz: Messrs. Brummell, Dockery, Fagg, Gaither, of Davie, Gaither, of Iredell, Martin, Waddill and Walker—8.

Messrs. Blount, Bryan, of New Hanover, McKay, Moore, of New Hanover, and Watson, voted for WARREN WINSLOW—5.

Mr. Farrow (1) voted for R. S. DONNELL.

Mr. Ward (1) voted for M. E. MANLY.

Whereupon, it being 1 o'clock 33m., the House,

On motion of Mr. Meares,

Adjourned.

SATURDAY, DECEMBER 11, 1858.

Mr. Walser presented the memorial of E. W. Mulligan, and others, relative to the Yadkin River. Propositions and grievances.

Mr. Hill, of Stokes, from the committee on enrolled bills, reported that they had examined and compared the following bills, etc., and found them correct and ready for ratification:

H. 7, act to prohibit betting on elections.

H. 8, act for the protection of wild fowl.

H. 20, act to repeal an act concerning county courts in Chowan.

H. 21, act to extend the time for registering deeds and conveyances.

H. 22, act to extend the limits of the town of Statesville.

H. 46, act to amend an act concerning Nottla River in Cherokee.

S. 84, resolution approving the naval commission, and instructing our Senators with regard to a national foundry.

S. 93, resolution concerning the Revised Code.

S. 114, act to provide evidence against Faro-table keepers and others.

Mr. Drake asked and obtained leave of absence for two days.

Mr. Smith was excused, under the rule, from service upon the internal improvement committee.

Mr. Hargrove, from the joint committee to superintend the election for Supreme Court Judge, reported that the whole number of votes was 159, of which 80 were necessary to a choice; and that THOMAS RUFFIN, Sr., received 145 votes; GEO. E. BADGER, 7; WARREN WINSLOW 4; R. R. HEATH 1; R. S. DONNELL 1; and M. E. MANLY 1; and that THOMAS RUFFIN, Sr., was duly elected. In this report the House concurred, and the same was ordered to be certified to the Governor.

Mr. Bryson, from the committee on internal improvements, reported, with the recommendation that it do pass,

H. 96, Mr. Woodfin's bill to charter the Tennessee Valley Turnpike Company,

Mr. Hill, of Halifax, from the committee on corporations, reported,

H. 151, Mr. Thompson's bill to charter the Atlantic Mutual Fire and Marine Insurance Company, with the following amendment, viz:

Strike out sections 2, 3, and 6; and recommended its passage.

Mr. Baxter, from the committee on propositions and grievances, reported, with the recommendation that it do pass,

H. 163, Mr. Henry's bill in behalf of the county courts of Bertie.

Mr. Simpson, from the committee on private bills, reported, with the recommendation of its passage,

H. 164, Mr. Stanford's bill to charter the Trustees of Kennansville Female Seminary.

Mr. Bryson, from the committee on Cherokee lands, reported, with the recommendation that it do pass,

H. 171, Mr. Love's resolution in favor of H. N. Britton; also, from the same committee,

H. 172, Mr. Woodfin's resolution in favor of R. L. Jones, and others, with the recommendation that it do pass when amended as follows: Insert after the word "then" the words "in Cherokee bonds."

Mr. Baxter, from the committee on propositions and grievances, reported, with the recommendation that it do pass,

H. 175, Mr. Sparrow's bill to amend the act of 1848-'9, relating to Taw and Pamlico Rivers. Also from the same committee, with the recommendation that it do pass,

H. 176, the bill of Mr. Green, of Franklin, concerning the county courts of that county.

Mr. Simpson, from the committee on private bills, reported, with the recommendation that it do not pass,

H. 181, Mr. Blount's bill concerning the county court in Robeson.

Also, from the same committee, with the recommendation that it do pass,

H. 194, Mr. Hall's bill for certain creeks in Rowan.

Mr. Hill, of H., from the committee on education, reported, with the recommendation that it do pass,

H. 197, his bill to charter the educational association of North-Carolina.

Mr. Newby offered the following resolution, viz :

Resolved, That the committee on finance be and they are hereby instructed to inquire into the expediency of so amending the Revised Code, chapter 99, section 71, Revenue, as to require the several county courts of the several counties in this State, at the next term at which they are required by law to appoint assessors for the several captains' districts, and every five years thereafter, to appoint a board of valuation to consist of five suitable persons, whose duty it shall be to visit every portion of said county and value the lands thereof, under such rules and regulations as are now in force by law.

And it was not adopted.

On motion of Mr. Woodfin,

The vote was reconsidered, and the resolution passed.

Mr. Caldwell, of Burke, pursuant to notice, moved to suspend the rules, in order that

H. 9, Mr. McKay's bill for aid to the Western and Coal-fields Road might be passed the second and third readings;

and it was adopted ; and the question being " Shall the bill pass the second reading ?"

Mr. Williams offered the following amendment :

Strike out "\$600,000," and insert in lieu thereof "\$400,000."

And it was accepted, and the question recurring,

On motion of Mr. McKay,

The bill was re-committed to the committee on internal improvements.

The Speaker laid before the House a statement from the public treasurer, in obedience to the resolutions introduced by Mr. Walser.

Mr. Norwood moved the same be sent to the Senate, with a proposition to print.

Mr. Fries moved to strike out, and insert " referred to the committee on finance, with instructions to report what part it is advisable to print."

Mr. Norwood withdrew his motion, and the question being upon that of Mr. Fries, it was not adopted.

Mr. Hill, of S., moved to send the statement, and a message to the Senate, proposing to print such part of the same as related to the public debt.

Mr. Caldwell, of G., proposed, as a substitute, a message to the Senate, with a proposition to print the whole ; and this amendment was adopted.

The motion was then adopted, and the message sent.

On motion of Mr. Kerr,

A message was sent to the Senate, proposing to raise a joint select committee of two Senators and three of this body, to acquaint the Hon. Thomas Ruffin of his election to the supreme court bench, and to ask his acceptance of the same.

The Senate concurred, and having named Messrs. Houston and Whitaker on their part, the Speaker appointed Messrs. Kerr, Smith and Ransom on the part of the House.

Mr. Hill, of H., offered the following resolution, viz :

Whereas, The Greensboro' Mutual Insurance Company is understood to continue to issue certificates of deposit designed to be passed as money ;

Be it therefore resolved, That the committee on the judiciary be instructed to inquire whether any further legislation is necessary to restrict the issue of such certificates, or the exercise of any banking privilege by such corporation; and if such legislation is required, does any thing in the act of incorporation of said company prevent action on the part of this General Assembly.

Mr. Hill gave notice that he should move to repeal the 56th rule, setting apart Saturday for the consideration of private bills.

Bills, etc., of the following titles, were introduced, read the first time, passed the first reading, and were filed for the second reading, or referred, as follows:

By Mr. Costner: bill (212) to charter Lincoln Lodge, No. 137, of A. Y. F. Masons. Corporations.

By Mr. Baird: resolution (H. R. 213) in favor of Polly Pinner. Claims.

By Mr. Thompson: bill (214) to charter the Goldsboro' Mutual Insurance Company. Corporations.

By Mr. Walker: bill (215) to charter the Shoal Creek Male Academy. Corporations.

By Mr. Fleming: bill (216) to amend the charter of Salisbury. Corporations.

By Mr. Stanford: bill (217) to charter the town of Kenansville. Private bills.

By Mr. Reeves: bill (218) concerning free persons of color.

By Mr. Leffers: bill (219) concerning jurors in Carteret county.

Pursuant to notice, and,

On motion of Mr. Dancy,

H. 201, to enlarge the powers of the Commissioners of Tawboro' passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

The following bills on the second reading were disposed of as follows:

H. 48, Mr. Bryson's bill to amend the charter of the Cowee Mining Company. The question being upon the amendments

proposed by the committee on corporations, Mr. Dargan offered the following amendment thereto:

Be it further enacted, That the private property of the corporators shall be responsible for all debts of the corporation.

And it was adopted; and the question being on the amendment, as amended, they were also adopted, and the bill then passed the second reading.

H. 49, Mr. Woodfin's bill to charter the Southern Mining and Manufacturing Company. The question being on the amendments of the committee, they were adopted.

Mr. Speer offered the following, viz:

Be it further enacted, That the private property of the stockholders shall be liable for the debts of the corporation, and the president and directors shall be citizens of the State.

Mr. Fleming moved to amend the same by inserting "to double the amount of stock held by them" between "corporation" and "and;" and it was adopted, and the question being "Shall the amendment, as amended, be adopted?" and a division called for, it appeared there was a quorum present, but not voting. And the question being again put, and a division called for, it was adopted,—there being counted yeas 41, nays 21. The question recurring on the bill, as amended,

Mr. Williams moved to amend as follows, viz:

Service of process upon the president, treasurer, any director, stockholder, or acting agent of said company, shall be deemed and held to be service of process on the company.

Mr. Woodfin moved to strike out the word "stockholder;" and it was not adopted. The amendment was then adopted, and the bill, as amended, passed the second reading.

H. 51, Mr. Bryson's bill to charter the Way-ye-Hutta Mining Company. The question being upon the amendments of the committee on corporations, they were adopted.

Mr. Speer offered the following:

The private property of the stockholders shall be liable for double the amount of their stock, and the directors and president of the company shall be citizens of the State.

And the question being thereon, and no quorum voting, at 12 o'clock 30m.,

Mr. Hill, of Stokes, moved the House do now adjourn; and the question thereon was put, and

Decided in the negative—Yeas, 29

Nays, 53

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Bridgers, Bullock, Byrd, Caldwell, of G., Cox, of P., Dargan, Dickson, Dula, Fagg, Haywood, Henry, Hill, of S., Hutchins, Love, Lyon, Morgan, Reagan, Reeves, Ripley, Smith, Sparrow, Speer, Stanford, Wallace, Walser and Wilson.

And the following in the negative, viz:

Messrs. Baird, Blount, Bryan, of N. H., Bryson, Burke, Clapp, Costner, Cox, of J., Craven, Dancy, Dortch, Eller, Fleming, Foy, Fries, Gaither, of I., Gardener, Green, of C., Hargrove, Hester, Hill, of H., Higgins, Holdsclaw, Jones, of O., Kirby, Leffers, Lewis, McCotter, Martin, Masten, Meares, Moore, of M., Moore, of N. H., Newby, Norwood, Purdie, Ransom, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Stephens, Thompson, Thornburg, Washburne, Whitfield, Walker, Watters, Williams, Windley and Woodfin.

H. 51, Mr. Bryson's amendment was then adopted,—there being counted yeas 37, nays 27; and the question then recurred upon the amendment of Mr. Speer, when,

It being 12 o'clock 40m.,

On motion of Mr. Byrd,

The House adjourned,—there being counted yeas 52, nays 21.

MONDAY, DECEMBER 13, 1858.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Hill, of Stokes, Henry, Bryan, of N. H., Speight and Newby.

Mr. Reeves presented the memorial and pension certificate of Littleton M. Bray, widow of Wm. M. Bray, for the signature of the Speaker.

Mr. Foy introduced the following resolution :

Resolved, That from and after to-day this House be required to hold evening sessions, and that the hour of meeting shall be three o'clock, P. M.

Laid over under the rule.

Mr. Dancy offered the following resolution :

Resolved, That on and after Wednesday next, the House will meet at 9½, A. M., and adjourn at 2 o'clock, P. M.

Laid over under the rule.

On motion of Mr. Hill, of H.,

Ordered, That the 56th rule of this House, concerning private bills, be and the same is hereby repealed.

Mr. Hill, of H., from the committee on education, reported H. 198, his bill concerning common schools, with the following amendments :

(1.) Strike out the word "shall" in the 2nd line of page 5th, and insert "may."

(2.) Strike out the word "collected," in the 17th line of section 8, and insert "converted into cash."

Bills, etc., of the following titles, being introduced, were read, passed the first reading, and were filed for the second, viz :

By Mr. Hargrove : resolution (H. R. 220) in favor of R. J. Mitchell. Claims.

By Mr. Baird : resolution (H. R. 221) in favor of W. J. Brown. Claims.

By Mr. Foy : bill (222) to charter the New River Steamboat Navigation Company.

By Mr. Purdie : bill (223) to repeal Revised Code, chapter 70, section 16-21, Militia. Military affairs.

By Mr. Martin : bill (224) to lay off and improve a road in Surry and Wilkes counties. Internal improvements.

A message was received from his Excellency, the Governor, by Pulaski Cowper, Esq., his private secretary, transmitting the report of the board of internal improvements ; which

was, on motion of Mr. Kerr, sent to the Senate with a proposition to print.

The House resumed the unfinished business of yesterday, being

H. 51, the bill to charter the Way-ye-hutta Mining Company,—the pending question being the amendment of Mr. Speer, when, on motion of Mr. Bryson, the bill was passed over informally.

The House then took up the calendar, and

H. 28, Mr. Dortch's bill to secure a separate estate in personalty to *femes covert*, was read the second time, and, on motion of Mr. Dortch, laid on the table—there being counted yeas 47, nays 41.

Mr. Hill, of H., moved to reconsider the vote by which bill, H. 28, had just been laid upon the table, and he moved to lay that motion upon the table, but, the same being withdrawn,

Mr. Dancy moved that a message be sent to the Senate, proposing to proceed forthwith to elect thirteen trustees of the University; and it was not adopted,—there being counted yeas 34, nays 56.

A message was received from the Senate, announcing the following committee, on their part, on enrolled bills, viz: Messrs. Ashe, Carmichael and Battle; and that they concurred in the proposition to print the Governor's message and the report of the Board of Internal Improvements.

The following bills passed the third reading, viz:

H. 25, Mr. Burns' bill to charter the N. C. College, at Mt. Pleasant.

H. 45, Mr. Fleming's bill in favor of Solomon Klutts.

Ordered, That they be engrossed and sent to the Senate.

The House resumed the consideration of the special order,

H. 41, Mr. Williams' bill concerning slaves; and the question being "shall this bill pass the second reading?"

Mr. Norwood offered the following amendment:

Strike out all after the enacting clause, and insert "that an attempt by a slave to assault or otherwise to kill and murder

a white person shall be deemed a capital felony, for which the said slave shall, upon conviction, suffer death."

And it was accepted ; and the question recurring, the same was, on motion of Mr. Dargan, indefinitely postponed.

Yeas 90

Nays 12

On motion of Mr. Dargan,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz :

Messrs. Badham, Baird, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Caldwell, of G., Clapp, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Faison, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Green, of C., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smith, Sparrow, Speer, Stanford, Stephens, Tomlinson, Thornburg, Thompson, Waddill, Walker, Wallace, Walser, Whitfield, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Baxter, Burns, Costner, Gentry, Haywood, Hester, Kerr, Norwood, Ward, Watters and Williams.

The House resumed the calendar, when the following bills, etc., on the second reading, were disposed of as follows, viz :

H. 57, Mr. Martin's bill to abolish the militia system did not pass the second reading.

H. 58, Mr. Caldwell's bill to establish the county of Mitchell. Recommended to committee on propositions and grievances.

H. 62, Mr. Foy's bill concerning deeds in trust did not pass the second reading.

H. 63, Mr. Caldwell's bill to require an oath of office of the clerks of the General Assembly passed second reading.

H. 64, Mr. Bryan's bill to charter the Wilmington Hotel Company passed the second reading.

H. 65, Mr. Chambers' bill to amend Revised Code, chapter 66, section 26, Literary Fund and Common Schools. Laid on the table.

H. 66, Mr. Burns' bill to charter Mt. Pleasant, in Cabarrus county, passed the second reading.

H. 68, Mr. Williams' bill concerning appeals, &c., did not pass the second reading.

H. 72, Mr. Foy's bill concerning magistrates in Onslow county. Amendments of the committee adopted, and the bill, so amended, passed the second reading.

H. 74, Mr. Kerr's bill concerning questions under the revenue law did not pass second reading.

H. 78, Mr. Benbury's bill concerning oysters and other fish in Tyrrell county passed the second reading.

H. 79, Mr. McKay's bill to authorize a special term in Cumberland county passed the second reading.

H. 81, Mr. Foy's bill concerning fishing in Onslow county did not pass the second reading.

H. 83, Mr. Dancy's bill to amend the constitution with regard to the religious qualification for office being read, and the question put,

Mr. Dortch moved to lay the same upon the table; and the question thereon was put, and

Decided in the affirmative—Yeas	55
Nays	46

On motion of Mr. Dancy,

The yeas and nays were ordered; and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryson, Burke, Byrd, Caldwell, of G., Clapp, Cox, of J., Craven, Dickson, Dockery, Dortch, Dula, Faison, Fleming, Fries, Gardener, Gatling, Gentry, Green, of C., Hall, of R., Hall, of W., Hester, Hill, of S., Holdselaw, Jones, of O., Leak, Long, McCotter, McKay, Martin, Masten, Moore, of N. H., Morehead, Norwood, Outlaw, Reeves, Ripley, Roney, Scales, Shaw,

Sherrill, Simpson, Smith, Sparrow, Speer, Tomlinson, Thompson, Thornburg, Walker, Watters and Whitfield.

And the following in the negative, viz :

Messrs. Baxter, Brummell, Bryan, of N. H., Bullock, Burns, Costner, Cox, of P., Dancy, Dargan, Eller, Fagg, Farrow, Foy, Gaither, of I., Hargrove, Haywood, Henry, Hill, of H., Higgins, Kerr, Kirby, Leffers, Lewis, Love, Lyon, Meares, Moore, of M., Morgan, Newby, Norman, Pritchard, Purdie, Ransom, Reagan, Sanders, Simonton, Stanford, Stephens, Waddill, Wallace, Walser, Ward, Washburne, Wilson, Williams and Windley.

Mr. Outlaw moved to reconsider the vote by which the House had just laid No. 83 upon the table, and to lay that motion on the table ; and it was adopted.

Mr. Meares moved that the vote by which No. 65, Mr. Chambers' bill to amend the Revised Code, chapter 66, Literary Fund and Common Schools, was laid upon the table, be reconsidered, and

Mr. Hargrove moved to lay that motion upon the table ; and the latter motion was adopted.

On motion of Mr. Reeves,

And at 1 o'clock, 47m., the House adjourned.

TUESDAY, DECEMBER 14, 1858.

Mr. Morehead presented the memorial of David L. Swain and Francis L. Hawks, concerning historical records ; which, being read, was sent to the Senate, with a proposition to print, and to refer the subject to a special committee of seven of each House to take the whole subject into consideration.

Mr. Speer presented the memorial of N. L. Williams, and others, with regard to the Yadkin River. Propositions and grievances.

Mr. Moore, of New Hanover, presented the memorial of Jno. B. Fox, and others praying for the new county of Lillington. Filed with H. 237, on that subject.

Mr. Williams presented the memorial of the Yanceyville Plank Road Company. Filed with H. 236, on that subject.

Mr. Simpson moved that a message be sent to the Senate, proposing to raise a joint select committee of three members of this House, and two on the part of the Senate, to take into consideration whether it is the sense of the General Assembly to adjourn over at Christmas to any definite period, and, if so, when and to what time; and that they report the same at as early day as practicable; and it was adopted.

The House then considered the resolution of Mr. Foy, submitted yesterday, and the question being thereon,

Mr. Gaither, of Iredell, moved to amend as follows:

Strike out all after 3, P. M., and insert adjourn at 5, P. M., and meet at 7, P. M.

Mr. Dancy moved to amend the amendment as follows:

Insert "that on and after Wednesday next, this House will meet at 9½ A. M., and adjourn at 2 o'clock, P. M.;" and this amendment to the amendment was adopted, and the amendment being adopted, the resolution passed—there being counted yeas 62.

Mr. McKay, from the committee on internal improvements, reported,

H. 9, his own bill to aid the Western Railroad to the coal-fields, with a substitute therefor, marked A, which they recommended do pass.

Mr. McKay, from the same committee, also reported,

H. 35, Mr. Baird's bill to charter the Black Mountain Turnpike Company, with a substitute for the same, which he recommended do pass; and the same was accepted by the introducer of the bill.

Mr. McKay, from the same committee, also reported,

H. 92, Mr. Simpson's bill to charter the Greensborough and Danville Railroad Company, with the recommendation that it do not pass.

Messrs. Morehead, Costner, and Hall presented a statement from a minority of the same committee upon the subject; which was,

On motion of Mr. Fleming,

Ordered to be printed.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 143, Mr. Burke's bill to amend Revised Code concerning salaries and fees, with the recommendation that it do not pass, also,

H. 157, Mr. Fries' bill to charter the town of Kernersville, &c., recommending that it do pass.

Mr. McKay, from the committee on internal improvements, reported

H. 186, Mr. Fagg's bill to charter a public road in Madison county, with the recommendation that it do pass; also,

H. 187, Mr. Costner's bill to amend charter of the Wilmington, Charlotte and Rutherford Railroad Company, recommending its passage; also,

H. 224, Mr. Martin's bill to improve a road in Surry and Wilkes counties, recommending its passage.

Bills, etc., of the following titles, were introduced, read, passed the first reading, and were filed for the second reading, or referred, as follows, viz:

By Mr. Bridgers: resolution (225) in favor of Elias Barnes, of Wilson. Claims.

By Mr. Sanders: resolution (226) in favor of E. D. Nichols. Claims.

From the Senate: bill (S. 227) to charter Cedar Falls Company, in Randolph.

From the Senate: resolution (S. R. 228) in favor of George W. Hampton.

From the Senate: bill (229) to charter the Elm City Cadets.

Also: bill (230) to charter the Pamlico Guards.

Also: bill (231) to charter a road from Wilkesboro' to Jefferson.

Also: bill (232) to charter the Newbern Gaslight Company.

Also: resolution (233) in favor of Joseph Marshall.

Also: resolution (234) in favor of David Pigott, of N. H. Claims.

Also: bill (235) for the relief of Joshua Sikes, of Union county.

By Mr. Williams : bill (H. 236) to amend the charter of the Yanceyville Plankroad Company. Withdrawn.

By Mr. Moore, of N. H. : bill (237) to establish the county of Lillington.

By Mr. Outlaw : bill (238) concerning the custody of minors. Judiciary.

By Mr. Walker : bill (239) to limit the powers of constables in Cherokee. Judiciary.

By Mr. Holdsclaw : bill (240) to provide for the removal of the county site of Watauga. Propositions and grievances.

By Mr. Scales : bill (241) to amend the charter of Graham Institute. Corporations.

By Mr. Bryson : bill (242) to provide for a railroad survey from some point on the French Broad river, through Buncombe, Macon, Haywood and Cherokee, to the Tennessee line. Internal improvements.

By Mr. McKay : bill (243) to explain and amend Revised Code, chapter 4, section 14, Appeals, etc. Judiciary.

By Mr. McKay : bill (244) concerning the powers of the county courts. Judiciary.

By Mr. Leffers : bill (245) to provide a special magistrate for the town of Beaufort.

Mr. Dancy moved that a message be sent to the Senate, with a proposition to proceed forthwith to elect 13 trustees of the University ; and it was not adopted.

The Governor transmitted to the House a number of resignations of justices of the peace, which,

On motion of Mr. Hill, of S.,

Were sent to the Senate.

The House considered the special order, being

H. 43, Mr. Bryan's bill concerning the Wilmington & Weldon Railroad Company, when

Mr. Bryan moved to strike out section 8, and it was adopted.

Mr. Norwood moved to amend by striking out in section 1 the word (7) "seven" and insert (6) "six," and strike out in section 2 "pay to — or bearer," and insert "pay to bearer;" and it was accepted.

Mr. Smith moved to amend by striking out section 9; and it was accepted.

Mr. Norwood moved to amend by adding to section 6 the words following: "And the proceeding in said court of equity shall be summary, and a decree of foreclosure made at the appearance term thereof, any law, usage or practice to the contrary notwithstanding."

Mr. Norman moved the following amendment:

"That the bonds so to be issued and to be endorsed by the public treasurer, shall not be exchanged or disposed of by the said company below their par value."

And it was adopted.

Mr. Smith moved to amend the 3rd section by striking out the words "at the rate of seven," and insert "six per cent.;" and it was adopted.

The question then recurred upon the passage of the bill the second reading, was put, and

Decided in the negative—Yeas 41

Nays 63

On motion of Mr. Simpson,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Baird, Barbee, Bridgers, Bryan, of N. H., Bullock, Costner, Dancy, Dargan, Dickson, Fagg, Faison, Foy, Gardener, Hall, of R., Hill, of H., Higgins, Jones, of O., Kerr, Kirby, Leak, Long, Love, McMay, Meares, Moore, of N. H., Norman, Norwood, Outlaw, Purdie, Ripley, Shaw, Smith, Sparrow, Stanford, Waddill, Walker, Ward, Washburne, Watters, Whitfield and Williams.

And the following in the negative, viz:

Messrs. Badham, Baxter, Blount, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Cox, of P., Craven, Dockery, Dortch, Dula, Eller, Fleming, Fries, Gaither, of I., Gatling, Green, of C., Hargrove, Harrington, Henry, Hester, Hill, of S., Holdslaw, Hutchins, Leffers, Lewis, Lyon, McCotter, Martin, Masten, Moore, of M., Morehead, Morgan, Newby, Pritchard, Ransom, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Simonton, Simpson,

Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Wallace, Walser, Wilson, Windley and Woodfin.

So the bill did not pass the second reading.

Mr. Waddill moved to reconsider the vote by which H. 81, Mr. Foy's bill to prevent certain persons from fishing in Onslow, was rejected.

Mr. Leffers moved to lay that motion on the table; and the latter motion was put and adopted.

Mr. Scales moved that a message be sent to the Senate, proposing to proceed forthwith to elect 13 trustees of the University; which was,

On motion of Mr. Fleming,

Laid on the table,—there being counted 72 in the affirmative.

Mr. Byrd offered the following resolution :

Resolved, That Saturday, the 18th instant, be set apart for the appointment of justices of the peace.

Laid over one day under the rule.

The House resumed the calendar, when the following bill was read the second time, and disposed of as follows, viz :

H. 85, Mr. Reeves' bill to repeal the Revised Code, chapter 2, p. 13, 14, 15 and 16, title Agriculture and Geology, and to abolish the office of State geologist, being read the second time, and the question put "Shall this bill pass the second reading?" it was

Decided in the affirmative—Yeas, 101

Nays, 5

On motion of Mr. Gentry,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dargan, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Faison, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill,

of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Wallace, Walser, Washburne, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Dancy, Sparrow, Stanford, Waddill and Ward.

Mr. Morehead moved that the vote be reconsidered, and the question being thereon,

On motion of Mr. Outlaw,

The same was laid on the table.

The House then, it being 1 o'clock 45m., adjourned until to-morrow at 9½ o'clock, A. M.

WEDNESDAY, DECEMBER 15, 1858.

Mr. Haywood presented the memorial of William Peace, concerning Burke Square, etc., which was referred to the committee on claims.

On motion of Mr. Dortch,

H. 50, Mr. Craven's bill to amend Revised Code, chapter 34, section 28, Bastards, was recommitted to the committee on the judiciary.

Mr. Dargan, from the committee on corporations, reported

H. 212, Mr. Costner's bill to charter Lincoln Lodge, No. 137, A. Y. F. Masons, with the following amendment :

Strike out all after the word "proper," in the eighth line, page two ;

And, so amended, recommended that it do pass.

Mr. Simpson, from the committee on private bills reported, H. 158, Mr. Bryan's bill to charter the Wilmington Ocean

Steam Navigation Company, with the following amendment :
Strike out the 5th section. Also,

H. 217, Mr. Stanford's bill to charter the town of Kenansville, and recommended that they do pass.

Mr. Hill, of H., from the committee on corporations, reported

H. 222, Mr. Foy's bill to charter the New River Steamboat Navigation Company, with the following amendment :

Strike out all of the 1st section after the word "company" in the 14th line, and strike out section 4th ;

And recommend it do pass.

Mr. Simpson, from the committee on private bills, reported

H. 237, Mr. Moore's bill to establish the county of Lillington, recommending its passage.

The House considered Mr. Byrd's resolution of yesterday, concerning a day for the appointment of justices, etc., and the question being thereon,

Mr. Hill, of S., moved to amend by inserting a message to the Senate fixing the same day, in lieu of the resolution of Mr. Byrd, and it was adopted ; and the question being on the passage of the resolution, as amended, it was, on motion of Mr. Lewis, laid on the table.

Mr. Tomlinson offered the following resolution :

Resolved, That hereafter no bill, petition, memorial, or any other paper, presented by any member of this House, shall be printed, until the same shall have been referred to a committee, and by them reported back to the House, with a recommendation that it do pass, and, also, that it be printed.

Laid over under the rule.

On motion of Mr. Dula :

Ordered, That the committee on finance be instructed to enquire into the expediency of reducing the price of entries upon vacant lands in the State, and that they report by bill or otherwise.

Mr. Hill, of Stokes, from the committee on enrolled bills, reported that they had examined and compared H. R. 88, concerning Emmons' report, with the original, and found it correct and ready for ratification.

A message was received from the Governor, communicating the report of the Literary Board, which was,

On motion of Mr. Kerr,

Sent to the Senate, with a proposition to print.

Bills, etc., of the following titles, were introduced, read, passed the first reading, and were filed or referred, as follows, viz :

By Mr. Hargrove : resolution (H. R. 246) in favor of Wm. H. Gilliam, of Granville. Claims.

By Mr. Farrow : bill (247) to amend the charter of the Fairfield Canal Company. Propositions and grievances.

By Mr. Caldwell, of Burke : bill (248) to charter the Rutherford Academy. Corporations.

By Mr. Norman : bill (249) to regulate fishing in Pamlico, Croatan, Hatteras and other inlets. Fishing interests.

By Mr. Badham : bill (250) to charter Unanimity Lodge, No. 7, in Edenton.

By Mr. Whitfield : bill (251) concerning witnesses in the county of Lenoir. Private bills.

By Mr. Costner : bill (252) to restore jury trials in Lincoln county. Propositions and grievances.

By Mr. Reagan : bill (253) to restore jury trials in Gaston county. Same committee.

By Mr. Hutchins : bill (254) to charter the Deep River & Coalfields Railroad Company. Internal improvements.

By Mr. Pritchard : bill (255) to improve Big Sugar creek in Mecklenburg. Propositions and grievances.

By Mr. Byrd : bill (256) concerning justices of the peace.

The following from the Senate, viz :

S. 257, bill to amend an act concerning the sinking fund.

S. 258, bill to establish 113th regiment North-Carolina State militia.

S. 259, bill to amend the charter of the Keowee Turnpike Company.

S. 260, bill to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Company.

S. 261, bill concerning auctions and auctioneers.

The following bills on the third reading were disposed of as follows, viz :

H. 63, Mr. Caldwell's bill to require an oath of office from the clerks of the two Houses being read the third time, and the question put, it was decided in the affirmative, and the bill was ordered to be engrossed and sent to the Senate.

H. 65, Mr. Bryan's bill to charter the Wilmington Hotel Company passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 66, Mr. Burns' bill to charter Mt. Pleasant in Cabarrus county passed the third reading.

H. 72, Mr. Foy's bill concerning justices of the peace in the county of Onslow. The question being "shall this bill pass the third reading?"

Mr. Love moved to amend by inserting Haywood, Moore, Duplin, Caldwell, and Macon counties, and the same was accepted, and, so amended, the bill passed the third reading.

H. 78, Mr. Benbury's bill to repeal Revised Code, chapter 81, oysters and fish in Tyrrell county, passed the third reading.

H. 79, Mr. McKay's bill to authorize a special term in Cumberland county. The question being "shall this bill pass the third reading?"

On motion of Mr. Stanford,

It was so amended as to include the county of Duplin, and the bill, so amended, passed third reading, and was ordered to be engrossed and sent to the Senate.

Bills, etc., of the following titles, were read the second time, passed the second reading, amended and disposed of, as follows :

H. 35, Mr. Baird's bill to charter the Black Mountain Turnpike Company. The question being upon the substitute, it was adopted ; and the question recurring,

Mr. Hill, of Stokes, moved to amend by striking out "perpetuity" in the bill, and inserting, in lieu thereof, "ninety years," wherever the same occurs, and it was adopted ; and the bill, so amended, passed the second reading.

H. 86, Mr. Byrd's bill to distribute the literary fund being read the second time, and the question put, was,

On motion of Mr. Fleming,
Laid upon the table.

H. 88, Mr. Masten's bill for the election of clerks and masters by the people. The question being "shall this bill pass the second reading?" was put, and

Decided in the affirmative—Yeas	79
Nays	26

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bryson, Burns, Byrd, Chambers, Clapp, Costner, Cox, of J., Craven, Dickson, Dula, Dockery, Drake, Eller, Fagg, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Leffers, Lewis, Long, Love, Lyon, McCotter, Masten, Moore, of M., Morgan, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following voted in the negative, viz :

Messrs. Badham, Bridgers, Bryan, of N. H., Bullock, Caldwell, of B., Caldwell, of G., Cox, of P., Dancy, Dargan, Dortch, Faison, Henry, Jones, of O., Kerr, Leak, McKay, Martin, Meares, Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Smith and Thompson.

H. 89, Mr. Jones' bill to charter the Orange Guards. Passed the second reading, and then,

On motion of Mr. Caldwell, of G.,

The rule being suspended, the same passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 90, Mr. Purdie's bill to amend the Revised Code, chapter 101, section 9, Roads, Ferries and Bridges. Passed second reading.

H. 92, Mr. Simpson's bill to charter the Greensboro' and Danville Railroad Company, being read, was,

On motion of Mr. Simpson,

Postponed until Tuesday next, the 22d inst., at 11 o'clock.

H. 94, Mr. Stephens' bill concerning the office of sheriff in Columbus county, did not pass the second reading.

H. 95, Mr. Shaw's bill to prevent horse-stealing, passed the second reading.

H. 96, Mr. Woodfin's bill to charter the Tennessee Valley Turnpike Company, passed the second reading.

H. 97, Mr. Barbee's bill to amend an act concerning Harnett county.

The question being upon the substitute reported by the committee, it was adopted; and the question recurring,

Mr. Walser moved to amend by inserting in the — line of — section the words following: "Or a majority of them;" and it was adopted, and the bill, as amended, passed the second reading.

H. 100, Mr. Scales' resolution in favor of G. M. Albright, passed the second reading.

H. 101, Mr. Gatling's bill to amend an act concerning talis jurors, (passed in 1856,) passed the second reading.

H. 102, Mr. Walker's bill to abolish jury trials in Cherokee, was,

On motion of Mr. Walker,

Re-committed to the committee on propositions and grievances.

H. 103, Mr. Foy's bill to make railways, etc., highways, did not pass the second reading.

Mr. Kerr stated that he had been requested by the Governor to offer a personal explanation in regard to the information he had communicated to the Assembly about the Report of Prof. Emmons' Agricultural Survey. His Excellency regretted to be compelled to state to the House, that he had been misled by the information given him by those with whom he had contracted for the binding of the said Report. They had informed him that the books were ready, and he had so stated the fact in his message. He had, to his mortification, since

ascertained that of the 2,000 copies ordered, there were only 200 ready.

The special order, being the resolution of Mr. Benbury, declaring Wm. P. Taylor disqualified to sit in this House, for the county of Chatham, being read, and the question thereon put,

Mr. Scales moved to amend and strike out as follows, viz :

Resolved, That W. P. Taylor, the sitting member from Chatham, not being in exercise of the "pastoral" function, is entitled to a seat on this floor.

And it was not adopted.

The question recurring on the resolution, as amended, was put, and

Decided in the affirmative—Yeas, 94

Nays, 6

On motion of Mr. Green, of C.,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dockery, Dortch, Dula, Eller, Fagg, Faison, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz :

Messrs. Bullock, Drake, Faribault, Hargrove, Lyon and Woodfin.

On motion of Mr. Kerr,

Resolved, That the use of the hall be granted to the Delta Psi Society, on the evening of the 28th instant, for a literary lecture.

At 1 o'clock 37m., Mr. Dargan moved the House adjourn; and the question thereon was put, and

Decided in the negative—Yeas, 47

Nays, 52

On motion of Mr. Dancy,

The yeas and nays were ordered; and the following members voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Clapp, Cox, of J., Craven, Dargan, Dickson, Dortch, Dula, Fagg, Faison, Faribault, Farrow, Gaither, of I., Gentry, Harrington, Haywood, Henry, Holdsc-law, Hutchins, Love, McKay, Martin, Meares, Morehead, Newby, Outlaw, Pritchard, Reagan, Reeves, Ripley, Shaw, Simonton, Smallwood, Smith, Speer, Stanford, Taylor, Waddill, Walser and Windley.

And the following in the negative, viz:

Messrs. Baird, Blount, Bridgers, Bryan, of N. H., Bullock, Caldwell, of G., Chambers, Costner, Cox, of P., Dancy, Drake, Eller, Fleming, Foy, Fries, Gardener, Green, of C., Hall, of R., Hargrove, Hester, Hill, of H., Higgins, Jones, of O., Kerr, Kirby, Leffers, Lewis, Lyon, McCotter, Masten, Moore, of M., Morgan, Norman, Norwood, Purdie, Ransom, Roney, Sanders, Scales, Sherrill, Simpson, Speight, Stephens, Tomlinson, Thompson, Thornburg, Walker, Ward, Washburne, Watters, Whitfield and Williams.

The House resumed the calendar, and

H. 104, Mr. Byrd's bill to modify the criminal law, etc., being read, and the question put "Shall this bill pass the second reading?" pending the same,

On motion of Mr. Fagg,

And at 1 o'clock 55m., the House adjourned.

THURSDAY, DECEMBER 16, 1858.

Mr. Reeves presented the memorial of A. Horn, and 1000 others, praying for the removal of obstructions in Yadkin river.

Mr. Simonton presented the memorial of J. F. Alexander, and others, praying for a charter to the bank of Salisbury. Referred to the committee on corporations.

Mr. Walker presented the memorial of Richard Roberts, praying an amendment to the law concerning slander. Judiciary.

Mr. Costner presented the memorial of J. G. Lewis, and others, for jury trials in Lincoln county. Filed with H. 252.

Mr. Dula presented the memorial of S. P. Dula, and others, in favor of the bill to charter the town of Lenoir. Filed with bill 184.

Mr. Thompson, from the committee on finance, reported as follows :

That branch of the committee, to whom was assigned the duty of examining the comptroller's office, beg leave to submit the followings report, viz :

That they have counted the coupons on file in said office, and, finding them correct, have cancelled the same.

That they have carefully examined the vouchers and the books, and, upon a comparison of the same, they find that for each and every entry or charge upon said books, there are on file vouchers corresponding in date and amount therewith.

That finding the vouchers all correct, they have proceeded to cancel the same.

That they have examined the calculations and additions, and find that they foot up correctly, as compared with the statements of the comptroller and treasurer.

All of which is respectfully submitted, &c.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 52, Mr. Woodfin's bill to establish the county of Bragg, with the recommendation that it do not pass.

Mr. Kerr, from the committee on the judiciary, reported H. 106, Mr. Woodfin's resolution in favor of certain entries of Cherokee lands, with the recommendation that it do not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 200, Mr. Reeves' bill to establish the county of Dobbin, with the recommendation that it do not pass.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 202, Mr. Dula's bill to charter the Davenport female seminary, and recommended that it do pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 204, Mr. Bridgers' bill to settle certain county lines, recommending that it do pass.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 205, Mr. Sherrill's bill to amend the charter of Catawba college, with the recommendation that it do pass.

Mr. Hill, of Halifax, from the same committee, reported

H. 215, Mr. Walker's bill to charter Shoal creek male academy, recommending that it do pass. Also,

H. 248, Mr. Caldwell's bill to charter Rutherford academy, with the following amendments, viz:

"Strike out all of section 1 after the word 'and' in the 4th line, and add 'may hold and convey real and personal property, not exceeding \$100,000.'"

"Strike out section 2."

Mr. Baxter, from the committee on propositions and grievances, reported

H. 252, Mr. Costner's bill to restore jury trials in Lincoln, with the recommendation that it do pass.

Mr. Baxter, from the same committee, reported

The memorial of Dennis Heartt, and that of Fanny Thompson, praying the emancipation of Dennis, and other slaves, and recommended no action.

The House considered the resolution of Mr. Tomlinson,

proposing to amend the standing rules of this House on the subject of printing, and it was not adopted.

Bills, etc., of the following titles, were introduced, read, passed the first reading, and were referred, and other proceedings had, as follows, viz :

By Mr. Walker : Resolution (H. R. 262) in favor of John J. Johnson. Cherokee lands, etc.

By Mr. Green, of Franklin : Resolution (H. R. 263) in favor Wm. Thompson. Claims.

By Mr. Lewis : Bill (264) to consolidate the office of clerk & master in equity and superior court clerk. Judiciary.

By Mr. Watters : bill (265) to establish the county of Dickson. Propositions and grievances.

By Mr. Simonton : bill (266) to amend Revised Code, chapter 37, section 2, Deeds, etc. Judiciary.

By Mr. Dortch : bill (267) to add a fourth judge to the supreme court. Judiciary.

By Mr. Norwood : bill (268) to charter Hillsboro' Savings Institute. Corporations.

By Mr. Speer : bill (269) to abolish the freehold qualification for jurors.

From the Senate : bill (270) to amend the charter of the Okonolufsa Turnpike Company.

By Mr. Smith : bill (271) to authorize the joinder of certain courts in actions at law. Judiciary.

Mr. Scales moved that (H. 269) Mr. Speer's bill to abolish the freehold qualification be referred to the committee on the judiciary ; and the question being thereon was put, and

Decided in the affirmative—Yeas 80

Nays 27

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered ; and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dortch, Dula, Faison, Faribault, Farrow, Fleming, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove,

Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of M., Morehead, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Ward, Washburne, Watters, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz:

Messrs. Baird, Brummell, Burns, Clapp, Costner, Craven, Dockery, Drake, Eller, Fagg, Foy, Gaither, of I., Gardener, Gentry, Green, of C., Love, Martin, Morgan, Pritchard, Reeves, Sanders, Simonton, Speer, Stephens, Taylor, Walser and Woodfin.

The House resumed the unfinished business of yesterday, being,

H. 104, Mr. Byrd's bill concerning the criminal law, when,
On motion of Mr. Fagg,

The same was informally passed over.

The House took up the calendar, when the following proceedings were had, viz:

H. 110, Mr. Watters' bill to restore jury trials in Cleveland county passed the second reading, and then, on motion of Mr. Watters, the rules being suspended, the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 111, Mr. Dortch's bill to increase the fees of constables. The question being, "shall the bill pass the second reading?" was put, and

Decided in the negative—Yeas	13
Nays	95

On motion of Mr. Caldwell, of B.,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Bryan, of N. H., Dancy, Dargan, Dortch, Drake, Fleming, Hall, of R., Hall of W., Kerr, Leffers, Smith, Stanford and Thompson.

And the following voted in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Brummell, Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Faison, Faribault, Farrow, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leak, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagen, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Wilson, Williams and Windley.

H. 112, Mr. Leffers' bill in favor of Sheriffs did not pass the second reading.

H. 115, Mr. Norwood's resolution in favor of John Caldwell's executor passed the second reading.

At 11 o'clock, the House considered the special order, viz :

H. 6, Mr. Dortch's bill to prohibit small notes, which did not pass the second reading—Yeas, 31
Nays, 76

On motion of Mr. Dula,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Badham, Baxter, Bridgers, Bullock, Dancy, Dargan, Dortch, Drake, Faison, Fries, Green, of F., Hargrove, Henry, Hill, of H., Jones, of O., Kerr, Kirby, Leffers, Lyon, Moore, of C., Moore, of M., Norman, Norwood, Outlaw, Roney, Smith, Speight, Thompson, Ward, Whitfield and Williams.

And the following in the negative, viz :

Messrs. Baird, Barbee, Blount, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Faribault, Farrow, Foy, Fleming, Gaither, of I., Gardener, Gatling, Gentry, Green, of

C., Hall, of R., Hall, of W., Harrington, Hester, Hill, of S., Higgins, Holdsclaw, Hutchins, Leak, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Morehead, Morgan, Newby, Purdie, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Wilson and Windley.

The House resumed the calendar, when the following proceedings were had :

H. 118, bill of Mr. Cox, of J., to prevent the felling of timber in Tuckahoe and Trent rivers, passed the second reading.

H. 119, Mr. Dortch's bill to amend Revised Code, chapter 78, Official Bonds, passed the second reading.

H. 121, Mr. Dortch's bill to protect purchasers under judicial sales passed the second reading.

Received from the Senate the correspondence between the joint committee and Judge Ruffin, touching the latter's acceptance of a reappointment to the Supreme bench.

On motion of Mr. Caldwell, of G.,

Ordered, That the same be spread upon the journal of the House, as follows :

RALEIGH, N. C., December 11, 1858.

Hon. Thomas Ruffin :

DEAR SIR :—In obedience to a joint resolution passed by the Senate and House of Commons, this morning, we beg leave to inform you that on yesterday you were again elected a Judge of the Supreme Court of North Carolina by an almost unanimous vote of both houses of the General Assembly.

We are now instructed to request you to accept that high post of honor and duty to which your State, with one voice, has called you, and to add another to the long list of eminent services which it has been your fortune to render to your country.

May we be permitted to say that though you cannot increase

the measure of your fame, your State hopes that you will continue and prolong the period of your usefulness.

We cannot conclude this note without an assurance of our happiness at the course which the Legislature has thought proper to pursue, and an earnest appeal that you will not decline the honor it has sought to bestow.

We are, most sincerely, your friends,

W. J. HOUSTON,
M. C. WHITAKER,
JOHN KERR,
W. N. H. SMITH,
M. W. RANSOM.

RALEIGH, December 15th, 1858.

GENTLEMEN: I left home before your letter, informing me officially that I had been elected a Judge of the Snpreme Court and requesting me to accept the high trust, had arrived there and I have just received it.

No event could have been more unexpected by me, or have created more surprise. When at an advanced age, and after long service, I heretofore resigned a seat in that Court, it was with the sincere desire of enjoying the repose and quietness of private life, and I thought I had then laid down the cares and responsibilities of office forever. It would not be sincere if I were to conceal that it is painful to find myself disappointed. To give up my retirement is against my feelings, and breaks up all my plans for the short remnant of my life; and, after abandoning for six years the study of the law, I feel, and I fear others will feel, that at the age of seventy-one, it is an act of rashness, inimitable to that age, to undertake again the labors of the judicial station to which I am called.

But, it has pleased the General Assembly to tender this renewed expression of confidence in my diligence and fidelity, and in a manner which touches my sensibilities most deeply, so that I am led to believe that in their opinion, and in that of the country, it is my duty to enter once more into the public service. Under the circumstances, I also suppose it to be

obligatory on me to obey the commands of the Legislature, therefore, as a duty, I forego my own inclinations and accept the office bestowed upon me, and will endeavor, with what impaired ability I retain, to execute with my associates its functions.

I return to the General Assembly the most unfeigned thanks and acknowledgments for the honor conferred upon me, but at the same time I undertake the task with very great diffidence, and entirely in deference to the authority of the public will.

The manner in which, gentlemen, you have made the communication to me, and the kind terms in which you have expressed your hopes and wishes for my usefulness in office, lay me under great and lasting obligations to each of you individually.

With high consideration, I am, gentlemen,

Your faithful friend and servant,

THOMAS RUFFIN.

To Messrs. W. J. HOUSTON, M. C. WHITAKER, JOHN KERR, W. N. H. SMITH and M. W. RANSOM, *Committee*.

Received a message from the Senate, agreeing to the amendments in this House to S. 257, concerning the sinking fund.

Received a message from the Senate, concurring in the proposition to raise a joint select committee concerning the memorial of David L. Swain and others, and announcing the appointment of Messrs. Brown, Donnell, Steele, Turner, Davidson, Edney and Gilmore to said committee, on the part of the Senate. Also in the proposition to consider the propriety of adjourning over during the Christmas holidays, and announcing Messrs. Guyther and Miller appointed on their part.

Whereupon, the Speaker announced the following committees, viz:

On historical collections, etc: Messrs. Morehead, Bridgers, Outlaw, Bullock, Kerr, Dortch and Smith.

On adjournment at Christmas: Messrs. Love, Caldwell, of B., and Moore, of N. H.

Received a message from the Governor, enclosing sundry plank road reports, which were,

On motion of Mr. Love,

Sent to the Senate, with a proposition to print.

On motion of Mr. Foy,

The House reconsidered the vote by which H. 94, Mr. Stephens' bill concerning the sheriff's office in Columbus, had been rejected; and the question being "shall the bill pass?"

Mr. Williams moved the same be laid on the table, and it was not adopted, and the bill was again rejected.

The House resumed the calendar:

H. 122, Mr. Bryan's bill to encourage the formation of a military company in Wilmington passed the second reading, and, the rules being suspend, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 123, Mr. Dortch's bill to amend the Revised Code, chapter 68, title marriage, passed the second reading.

H. 124, Mr. Dortch's bill to amend the law relative to magistrates' process, passed the second reading.

H. 125, Mr. Dortch's bill to make husbands liable for their deceased wives' debts, passed the second reading.

H. 126, Mr. Ward's bill to amend the charter of Union Academy, did not pass the second reading.

Yeas 17

Nays 83

On motion of Mr. Stanford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baxter, Bryson, Bullock, Burns, Byrd, Fagg, Hargrove, Love, Lyon, Morgan, Reagan, Reeves, Ripley, Stanford, Stephens, Ward and Washburne.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryan, of N. H., Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P, Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Faison,

Faribault, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, McCotter, Martin, Masten, Moore, of M., Morehead, Newby, Norwood, Purdie, Ransom, Sanders, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

S. 128, engrossed bill from the Senate to amend Revised Code, chapter 119, section 15, Wills and Testaments, passed the second reading.

S. 129, engrossed bill to encourage the planting of oysters and clams, passed the second reading.

S. 130, engrossed bill to pay tax-listers, passed the second reading.

H. 134, Mr. Whitfield's bill concerning public roads, did not pass the second reading.

H. 139, Mr. Speer's bill to authorize a toll bridge across the Yadkin river, (the amendments being adopted,) passed the second reading.

H. 140, Mr. Dortch's bill making corporators competent witnesses, was re-committed to the judiciary.

H. 141, Mr. Ward's bill to authorize the sale of Sarecta Commons, in Duplin, passed the second reading.

Bills, etc., of the following titles, being read the second time, did not pass the second reading, viz:

Mr. Byrd's bill (142) to amend the Revised Code, chapter 66, section 6, Justices of the Peace;

Mr. Burke's bill (143) to amend the Revised Code, Salaries and Fees;

Mr. Jones' resolution (H. 144) concerning warming the hall.

Bills, etc., of the following titles, being read the second time, passed the second reading, viz:

S. 146, engrossed bill to amend the charter of the Cheowee Turnpike Company;

S. 146, engrossed bill to charter Newberne Light Infantry;

S. 147, engrossed bill to charter Tuckasege Turnpike Company ;

S. 148, engrossed bill to charter Raleigh Gaslight Company ;

S. 149, engrossed bill to amend the charter of Reddie's River and Tennessee Line Road. Also,

H. 151, Mr. Thompson's bill to charter the Atlantic Mutual F. & M. Insurance Company, (the amendments being adopted,) passed the second reading.

H. 153, Mr. Pritchard's bill to charter the N. C. Military Institute, was,

On motion of Mr. Ransom,

Referred to the committee on education.

H. 155, Mr. Higgins' bill, to charter the Catawba and Bracketown Hydraulic Company. The question being upon the amendments proposed by the committee they were adopted, when

Mr. Dortch offered the following amendment :

Be it further enacted, &c., That the stockholders shall be responsible for the debts of said corporation, in double the value of their stock.

Be it farther enacted, &c , That a majority of the directors of said corporation shall reside in the State.

And it was adopted.

Mr. Morehead offered an amendment, which was not adopted, and then the bill was rejected.

H. 156, Mr. Walker's bill to charter the Cherokee county turnpike passed the second reading.

H. 157, Mr. Fries' bill to charter Kernersville in Forsyth county was, on his motion, laid upon the table.

H. 160, Mr. Ward's resolution relative to the geological report was, on motion of Mr. Morehead, laid upon the table.

H. 162, Mr. Norwood's bill concerning heirs and fee-simple estates was, on his motion, recommitted to the judiciary.

H. 163, Mr. Henry's bill in favor of the county court of Bertie passed the second reading. Also,

S. 167, Engrossed bill to amend charter of Tuckasege & Nantahala Turnpike Company. And,

H. R. 168, Mr. Blount's resolution in favor of James Connelly. And,

H. R. 171, Mr. Love's resolution in favor of H. N. Britton, of Haywood, all passed the second reading.

H. 172, Mr. Woodfin's resolution, the amendments being adopted, in favor of R. L. Jones, and others. Also,

H. 174. Mr. Stanford's bill concerning the county courts in Duplin. Also,

H. 176, Mr. Green's bill concerning the county court of Franklin. Also,

H. 181, Mr. Blount's bill concerning the county courts of Robeson. Also,

S. 183, engrossed bill to charter the Buckhorn Iron Manufacturing Company, severally and respectively passed the second reading, and were filed for the third reading.

At 1 o'clock 35m., Mr. Caldwell, of Burke, moved the House adjourn. The question thereon was put and

Decided in the affirmative—Yeas 52

Nays 44

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Bridgers, Bryson, Bullock, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dargan, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Farrow, Gaither, of I., Harrington, Henry, Hester, Hill, of S., Kirby, Leffers, Long, Love, McCotter, Martin, Morehead, Morgan, Norman, Reagan, Reeves, Ripley, Sanders, Shaw, Simonton, Smith, Speer, Stanford, Thompson, Thornburg, Waddill, Walser, Washburne, Watters, Wilson and Windley.

And following in the negative, viz :

Messrs. Baird, Blount, Bryan, of N. H., Costner, Cox, of P., Dancy, Drake, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Green, of C., Green, of F., Hall, of R., Hargrove, Hill, of H., Higgins, Holdsclaw, Kerr, Lewis, Lyon, Masten, Meares, Moore, of M., Newby, Norwood, Pritchard,

Purdie,⁵Roney, Scales, Sherrill, Simpson, Smallwood, Speight, Stephens, Taylor, Tomlinson, Walker, Whitfield, Williams and Woodfin.

FRIDAY, DECEMBER 17, 1858.

Mr. Fleming presented the memorial of J. H. Enniss and others, of Salisbury, praying for further banking privileges ; which was referred to the committee on corporations and currency.

Mr. Martin presented the memorial of J. M. Southard and others, concerning the Yadkin river.

Mr. Fagg presented the memorial of Jacob Midcalf and others, of Madison county, praying to be annexed to the county of Yadkin ; which was referred to the committee on propositions and grievances.

Mr. McKay, from the committee on the judiciary, to whom was referred the resolution of Mr. Ward, concerning the consolidation of certain railroad companies, reported that such legislation is inexpedient.

Mr. Baxter, from the committee on propositions and grievances, to whom was referred the memorial of L. J. Brickwell and others, praying more stringent enactments in regard to the traffic in ardent spirits, reported

“That they had considered the same, and were of the opinion that it is not expedient to grant the prayer of the memorialists. The committee think the petition one of those which is more properly addressed to the sound discretion of the people themselves, than to that of their representatives. It is, unhappily, too true, that the evils of which the memorialists complain do exist, but a remedy for them had better be obtained through the mild influences of reason and religion, than by force of legislative enactments. They, therefore, respectfully ask to be discharged from the further consideration of the subject.”

And it was so ordered.

On motion of Mr. Hill, of Stokes,

Resolved, That the committee on corporations and the currency be, and they are hereby, instructed to inquire into the condition of the Farmer's Bank at Elizabeth City, and report whether, in their opinion, the bank has violated its charter, and, if so, what action this Legislature ought to pursue in order to compel the directors and stockholders to surrender their charter.

Mr. Reeves asked and obtained leave to withdraw from the files of this House all the memorials presented by him upon the subject of Yadkin river.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 17, Mr. Reeves' bill to open the Yadkin river, with a substitute, and recommended its passage.

Mr. Smith, from the committee on the judiciary, reported

H. 161, Mr. Bridgers' bill to amend Revised Code, chapter —, Entries and Grants, with a substitute, and recommended its passage.

Mr. McKay, from the committee on internal improvements, reported

H. 178, Mr. Eller's bill to improve the public road between Wilkesboro' and Jefferson, recommending that it do pass.

On motion of Mr. Dortch,

H. 203, Mr. Sparrow's bill to charter the State Medical Society, was referred to the committee on the judiciary.

On motion of Mr. Norwood,

S. 210, an engrossed bill to amend Revised Code, chapter 59, section 19, Executions, was, with an amendment offered in this House by Mr. McKay, referred to the committee on the judiciary. The amendment is as follows:

"That any affidavit so made shall contain a specific charge and not a general charge, as allowed by our present law."

Mr. McKay, from the committee on internal improvements, again reported

H. 224, Mr. Martin's bill concerning a public road in Surry and Wilkes counties, and repeated their former favorable recommendation.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 241, Mr. Scales' bill to amend the charter of Graham Institute, with the following amendments, viz :

1. Strike out all of section 1 after the word "college," in the 10th line, and add as follows: "For the purpose of educating and training youths in the different branches of learning, arts and sciences; and said corporation shall have power to hold, receive and possess and convey property, real, personal and mixed, not exceeding \$200,000."

2. Strike out sections 2, 3, 4, 5, 6, 8 and 11.

3. Strike out the word "four" in the 5th line of section 10, and insert "one."

Mr. Love, from the committee on internal improvements, reported

H. 242, Mr. Bryson's bill to provide for a railroad survey in the county of Buncombe, with the recommendation that it do pass.

Mr. Fleming, from the committee on the judiciary, reported

H. 244, Mr. McKay's bill concerning the powers of the county courts, with a substitute, which he recommended do pass.

Bills, etc., of the following titles, being introduced and read the first time, passed the first reading, and were referred, or otherwise disposed of, as follows, viz :

By Mr. McCotter: resolution (H. R. 272) in favor of James H. Forbes and brothers. Claims.

By Mr. Cox, of P.: resolution (H. R. 273) in favor of Calvin Evans. Claims.

By Mr. Bryson: resolution (274) in favor of E. D. Davis, of Jackson. Propositions and grievances.

By Mr. Farrow: bill (275) to charter Lake Landing Navigation Company. Same committee.

By Mr. Wallace: bill (276) to facilitate the collection of debts. Judiciary.

By Mr. Harrington: bill (277) to amend an act concerning the superior court of Harnett. Judiciary.

By Mr. Meares: bill (278) to amend Revised Code, chapter 85, Pilots and Pilotage. Judiciary.

By Mr. Clapp: bill (279) to charter High Point, in Guilford.

By Mr. Ward: bill (280) to authorize the consolidation of certain railroad companies. Judiciary.

By Mr. Foy: bill (281) to establish the fees of clerks and masters. Judiciary.

The following bills, etc., being read the second time, passed the second reading, or were otherwise disposed of, viz:

H. 184, Mr. Dula's bill to amend the charter of Lenoir, in Caldwell, the same being first amended, on motion of Mr. Dula, as follows: Strike out the words "from and after the first Saturday in April next," in the last section, and insert "from and after its ratification."

H. 194, Mr. Hall's bill to prevent the felling of timber in certain creeks, in Rowan county, passed the second reading.

H. 196, Mr. Reeves' bill to charter a road at Fisher's Gap, was referred to the committee on propositions and grievances.

H. 197, Mr. Hill's bill to charter the State Educational Association, passed the second reading.

H. 198, Mr. Hill's bill concerning common schools, the amendments proposed by the committee on education being first adopted, passed the second reading.

S. 199, engrossed bill from the Senate, to establish the line between this State and Virginia, passed the second reading.

H. 200, Mr. Reeves' bill to establish the county of Dobbin, did not pass the second reading.

H. 202, Mr. Dula's bill to charter Davenport female college. The question being on the substitute recommended by the committee, it was adopted; and the bill, so amended, passed the second reading.

H. 203, Mr. Sparrow's bill to charter the State Medical Society, was,

On motion of Mr. Dortch,

Referred to the committee on the judiciary.

H. 205, Mr. Sherrill's bill to amend the charter of Catawba College. Also,

S. 206, engrossed resolution from the Senate, in favor of Franklin Military School ; And,

S. 207, engrossed resolution from the Senate, in favor of Military Schools, severally and respectively passed their second readings.

S. 208, engrossed bill from the Senate to secure freedom of elections for sheriffs did not pass the second reading.

S. 209, engrossed bill from the Senate concerning the distribution of the laws, &c. The question being "Shall this bill pass the second reading?"

Mr. Martin moved to amend by striking out the word "thirty" and inserting the word "fifty;" and it was adopted, and, the question recurring, the bill, so amended, passed the second reading.

H. 212, Mr. Costner's bill to charter Lincoln Lodge, No. 137, A. Y. M. The question being on the amendments proposed by the committee, they were adopted, and, so amended, the bill passed the second reading.

Mr. Foy moved that the House reconsider the vote by which H. 6, Mr. Dortch's bill to prohibit the circulation of small notes, had been rejected.

Mr. Hill, of H., moved to postpone the question until tomorrow, at 11 o'clock, and the motion was adopted.

At 12 o'clock, the special order,—the resolution of Mr. Benbury in the case of Mr. Haywood,—being called up by the Speaker,

Mr. McKay moved that the same be postponed until the 15th of January next, and the question thereon was put, and

Decided in the negative—Yeas, 11

Nays, 93

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Baxter, Faison, Hall, of W., McKay, Meares, Moore, of C., Reeves, Scales, Waddill, Washburne, and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baird, Blount, Bridgers, Brummell, Bryson, Bullock, Burns, Birke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, Martin, Masten, Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Wallace, Walser, Ward, Watters, Whitfield, Wilson, Williams and Windley.

And the question recurring upon the resolution, as amended, "Shall this resolution be adopted?" it was put, and

Decided in the affirmative—Yeas, 92

Nays, 8

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Blount, Bridgers, Brummell, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Henry, Hargrove, Harrington, Hester, Hill, of S., Holdscaw, Higgins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speer, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Walker, Wallace, Walser, Ward, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baxter, Burns, Hill, of H., Long, McKay, Reeves and Speight.

After the roll was called, Mr. Bullock changed his vote.

The House, then,

On motion of Mr. Dortch,

At 1 o'clock 35m., adjourned.

SATURDAY, DECEMBER 18, 1858.

The Speaker having informed the House that Mr. Haywood had resigned his seat,

On motion of Mr. Norwood,

Ordered, That the Speaker issue a writ of election to the sheriff of Wake county, to hold an election on Thursday, the 30th inst., for a member of the House of Commons, to supply the vacancy occasioned by the resignation of E. G. Haywood.

Mr. Love moved to send a message to the Senate, proposing to hold an election for Councillors of State, on Wednesday next at 12 o'clock; and it was not agreed to.

Mr. Caldwell, of Burke, from the committee on the proposed adjournment, reported as follows:

The joint select committee, to whom was referred the proposition to adjourn during the Christmas holidays, have had the same under consideration, and beg leave to submit the following resolutions, viz:

Resolved, That a general leave of absence be granted to all such members as choose to accept it, from and after Thursday, the 23d inst., until Saturday, January 1st, 1859.

Resolved, That no bill or resolution of a public nature shall be acted upon from December 23, 1858, to January 1, 1859.

And the question being thereon, the resolutions were adopted.

On motion of Mr. Simpson,

Resolved, That the Governor be requested to furnish the House with the names and residences of the present trustees of the university at as early a day as convenient.

On motion of Mr. Speer,

Resolved, That the committee on the Yadkin navigation be authorized to notify John A. Boyden, president of said company, to appear before said committee, and that they be further authorized to send for persons and papers.

On motion of Mr. Smith,

The chairman of the committee on finance, Mr. Fries, had leave to be absent on the business of that committee until further order.

Mr. Smith introduced the following resolution :

Resolved, That from and after Monday next, the daily sessions of the House shall begin at 10 A. M.

Laid over under the rule.

Mr. Scales, from the committee on claims, reported the memorial of L. D. Gilreath, and that it was not expedient to grant the prayer of the petition.

Mr. Hill, of Stokes, from the committee on enrolled bills, reported that they had examined and compared the following, and found them truly enrolled and ready for ratification, viz :

H. 24, an act to revive an act in favor of W. R. Abbott.

H. 73, an act to charter the Arendell Hotel Company.

H. 98, an act to amend the charter of the Little River Turnpike Company.

S. 257, an act to amend the act concerning the sinking fund.

Bills, etc., of the following titles, were introduced, read the first time, passed the first reading, and were filed for the second reading, and otherwise disposed of, as follows :

By Mr. Love : resolution (282) in favor of certain purchasers of Cherokee lands. Cherokee lands.

By Mr. Bridgers : Resolution (283) in favor of James F. Jenkins. Claims.

By Mr. Morehead : bill (284) to charter the Cambridge Copper Mining Company. Corporations.

By the same : bill (285) to charter the State Gold Mining Company. Same committee.

By the same : bill (286) to charter the Lizard Dale Copper Mining Company. Same committee.

By the same : bill (287) to charter the Halsey Mining and Manufacturing Company. Same committee.

Bills, etc., of the following titles, were read the third time, and passed the third reading, or otherwise disposed of, as follows, viz :

H. 35, Mr. Baird's bill to charter the Black Mountain Turnpike Company.

H. 88, Mr. Masten's bill to provide for the election of clerks and masters by the people—there being counted 67 yeas.

On motion of Mr. Smith,

The vote was reconsidered, and the bill re-committed to the committee on the judiciary.

H. 95, Mr. Shaw's bill to prevent horse-stealing—there being counted, yeas 42, nays 32.

H. 96, Mr. Woodfin's bill to charter the Tennessee Valley Turnpike Company.

H. 97, Mr. Barbee's bill to amend an act concerning Harnett county.

H. R. 100, Mr. Scales' resolution in favor of G. M. Albright.

H. R. 115, Mr. Norwood's resolution in favor of John Caldwell's Executors.

H. 118, Mr. Cox's bill to prevent the felling of timber in Tuckahoe and Trent Rivers.

H. 119, Mr. Dortch's bill to amend Revised Code, chapter 78, official bonds.

H. 121, Mr. Dortch's bill to protect purchasers under judicial sales.

H. 123, Mr. Dortch's bill to amend Revised Code, chapter 68, Marriage.

H. 124, Mr. Dortch's bill concerning magistrates' process.

H. 125, Mr. Dortch's bill to make husbands liable for deceased wives' debts.

Ordered, That the above be engrossed and sent to the Senate.

S. 129, an engrossed bill from the Senate to encourage the planting of oysters and clams. Also,

S. 130, an engrossed bill from the Senate to provide com-

pensation for tax listers, were passed the third reading, and ordered to be enrolled.

The following House bills passed the third reading, or were otherwise disposed of, as follows, viz :

H. 139, Mr. Speer's bill to to authorize the construction of a toll bridge across the Yadkin. Passed the third reading.

H. 141, Mr. Ward's bill to authorise the sale of Sarecta did not pass the third reading.

The following engrossed bills from the Senate being read the third time, passed the third reading, viz :

S. 145, to amend the charter of the Keowee Turnpike Company ;

S. 146, to charter the Newbern Light Infantry ;

S. 147, to charter the Tuckasege Turnpike Company ;

S. 148, to charter the Raleigh Gas Light Company ;

S. 149, to amend an act concerning the road from Reddie's River to the Tennessee line.

Ordered, To be enrolled.

The following House bills were read the third time, and passed the third reading, viz :

H. 151. Mr. Thompson's bill to charter the Atlantic Mutual Fire and Marine Insurance Company ;

H. 156, Mr. Walker's bill to charter the Cherokee county Turnpike ;

H. 163, Mr. Henry's bill in favor of the county court of Bertie.

Ordered, That they be engrossed and sent to the Senate.

At half past 11 o'clock, the Speaker called up the special order—being the motion of Mr. Foy, to reconsider the vote by which the House had rejected,

H. 6, Mr. Dortch's bill to prohibit the circulation of small bank notes, less than three dollars ; and the question thereon was put, and

Decided in the negative—Yeas 41

Nays 65

On motion of Mr. Washburne,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Bridgers, Bullock, Caldwell, of G., Cox, of J., Cox, of P., Dancy, Dortch, Drake, Faison, Faribault, Ferebee, Foy, Gatling, Green, of F., Hall, of W., Hargrove, Henry, Hill, of H., Jones, of O., Kerr, Kirby, Leffers, Moore, of C., Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Ransom, Reagan, Roney, Smith, Speight, Thompson, Ward, Williams and Windley.

And the following in the negative, viz :

Messrs. Baird, Barbee, Blount, Brummell, Bryson, Burns, Burke, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Craven, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Harrington, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Leak, Lewis, Love, McCotter, McKay, Martin, Masten, Meares, Morehead, Purdie, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simontou, Simpson, Smallwood, Speer, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Wilson and Woodfin.

And the House,

On motion of Mr. Scales,

And at 1 o'clock 15m., adjourned.

MONDAY, DECEMBER 20, 1858.

The Speaker announced the following committee on enrolled bills, viz : Messrs. Bullock, Windley, Dancy, Watters and Taylor ;

And the following appointments, viz : Mr. Hill, of S., to the committee on internal improvements, and Mr. Outlaw to the committee on finance.

On motion of Mr. Smith,

And pursuant to notice,

Resolved, That from and after this day the House shall meet at 10 o'clock, A. M.

On motion of Mr. Walser,

Resolved, That the committee on the judiciary be instruct-

ed to inquire into the expediency of so amending the 4th, 13th and 33rd sections of the State constitution, as will give the election of judges of the supreme and superior courts, attorney general and justices of the peace, to the people; and if such amendments be expedient, then the best manner of effecting the same, and whether by legislative enactment or by a convention, and the probable cost of each in time and money.

On motion of Mr. Hill, of S.,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of one on the part of the Senate, and two on the part of the House, to wait on the Hon. John W. Ellis, and inform him of his election to the office of Governor of North Carolina, and ascertain when it will suit his convenience to appear before the two Houses of this General Assembly, and take the oaths of office.

On motion of Mr. Baird,

Resolved, That a message be sent to the Senate proposing to raise a joint select committee of three on the part of the Senate, and five on the part of the House, to make suitable arrangements for the reception of the Hon. John W. Ellis, Governor elect of North-Carolina, at such time as he may designate to take the oaths of office.

Mr. Faribault offered the following resolution, viz:

Resolved, That the committee on privileges and elections be authorized and instructed to inquire if postmasters, county attorneys and State directors in public works of improvement, and trustees of the University are constitutionally eligible to seats in this House. And, also, to enquire if there are such officers holding seats in this House, and that they report, by bill or otherwise, at as early a day as practicable.

And the question being thereon,

Mr. Scales moved the same be laid on the table, and the question thereon was put, and

Decided in the negative—Yeas, 48

Nays, 58

On motion of Mr. Faribault,

The yeas and nays were ordered, and the following members of the House voted in the affirmative, viz:

Messrs. Baird, Baxter, Blount, Bryan, of C., Bryan, of N. H., Bullock, Burns, Burke, Byrd, Caldwell, of G., Clapp, Costner, Cox, of J., Dickson, Drake, Fleming, Foy, Gentry, Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdselaw, Kerr, McCotter, McKay, Masten, Moore, of N. H., Morehead, Norman, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smith, Tomlinson, Walker, Wallace, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Brummell, Bryson, Caldwell, of B., Cox, of P., Craven, Dancy, Dockery, Dortch, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Henry, Hester, Hutchins, Jones, of C., Jones of O., Leak, Leffers, Lewis, Long, Love, Martin, Moore, of C., Moore, of M., Morgan, Newby, Norwood, Pritchard, Purdie, Sanders, Simon-ton, Smallwood, Sparrow, Speer, Stanford, Speight, Stephens, Taylor, Thornburg, Waddill, Walser, Ward, Washburne, Waters, Whitfield, Wilson and Windley.

And the question recurring,

Mr. Speer moved the same be indefinitely postponed; and the question being thereon, and a division called for, the chair (Mr. Ferebee presiding,) counted yeas 55, nays 36. So the motion was adopted.

Received a message from the Senate, announcing the passage of the (H. 14) bill to charter the White Oak Navigation Company, with the following amendment, viz:

In sections 4 and 6, strike out the words "one hundred and fifty," and insert the word "fifty"

And the question being thereon, the House concurred in the said amendment.

Received a message from the Senate, informing the House of the appointment of Messrs. Martin, Boyd and Flanner to the committee on enrolled bills. Also, transmitting the report of the commissioners of the sinking fund, with a propo-

sition to print and refer the same to the committee on finance ; and it was adopted.

Received a message from the Governor, transmitting the names and residences of the present trustees of the university, in obedience to the resolution adopted on Saturday.

Mr. Norwood, from the committee on slaves, etc., reported H. 60, Mr. Norwood's bill for the relief of Emily Hooper, with the recommendation that the same do pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 102, Mr. Walker's bill to abolish jury trials in Cherokee county, with the recommendation that the same do pass.

Mr. Baxter, from the committee on military affairs, reported

H. 190, Mr. Holdsclaw's bill for the encouragement of military officers, with the recommendation that it do not pass. Also,

H. 223, Mr. Purdie's bill to repeal Revised Code, chapter 70, sections 16 and 17, Militia, with the recommendation that it do not pass.

Mr. Kerr, from the committee on the judiciary, reported

H. 239, Mr. Walker's bill to limit the powers of constables in Cherokee county, with the recommendation that it do not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 247, Mr. Farrow's bill to amend the charter of the Fairfield Canal Company, with the recommendation that it do pass.

Mr. Kerr, from the committee on the judiciary, reported

H. 269, Mr. Speer's bill to abolish the freehold qualification of jurors, with the recommendation that it do not pass.

H. 271, Mr. Smith's bill to authorize the joinder of certain counts in actions at law, with the recommendation that it do pass.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 289, Mr. Speer's bill to charter Jonesville Male and Female High School, with the following amendments, viz :

(1) Strike out sections 2 and 3.

(2) Add to section 1, "and such corporation shall, at no one time, hold a larger amount of property than \$400,000."

And, so amended, he recommended the bill do pass. Also,

H. 290, Mr. McKay's bill to amend Revised Code, chapter 36, Currency, recommending that it do not pass.

Resolutions and bills, of the following titles, being read the first time, passed the first reading, and were referred, and otherwise disposed of, as follows, viz :

By Mr. Simonton : bill (288) to authorize the registration of certain receipts and releases. Judiciary.

By Mr. Speer : bill (289) to charter Jonesville Male and Female High School. Corporations.

By Mr. McKay : bill (290) to amend Revised Code, chapter 36, Currency. Corporations and currency.

By Mr. Byrd : bill (291) to regulate the 92d Regiment N. C. State militia.

By Mr. Dortch : resolution (H. R. 292) for the repair of the House of Commons.

By Mr. Smith : resolution (H. R. 293) in favor of E. G. Haywood.

By Mr. Jones, of O. : resolution (H. R. 294) in favor of A. C. Murdock. Claims.

By the same : bill (295) for the relief of certain common schools in Orange and Wake. Education.

From the Senate : bill (296) to extend the powers of the New River Navigation Company.

The Speaker announced the following committees, viz : Messrs. Hill, of S., and Sparrow, to wait upon the Governor elect ; and Messrs. Baird, Martin, Masten, Lewis and Woodfin, to make arrangements for the inauguration of Gov. Ellis.

The House resumed the calendar :

H. 17, Mr. Reeves' bill to open the Yadkin and Pee Dee rivers to the passage of fish. The same being already read the second time, and the question being upon the substitute

proposed by the committee, it was adopted; and the question recurring,

Mr. Fleming offered the following amendments, viz:

(1.) Strike out all in section 1, between the words "South Carolina" and the words "to the line of Davie county."

(2.) Strike out in section 2, the words "being at least an average depth of the river it passes through."

(3.) Add at the end of the first section the words: "*Provided*, That this act shall not be construed to extend to the South Yadkin river, or any other tributary of main or North Yadkin."

And the question being thereon, and a division of the same called for, the amendments 1 and 2 were rejected, and the amendment 3 was adopted.

Mr. Gaither, of I., offered the following amendment, viz:

"A slope, the rise of which shall not exceed one foot in three or four. Rafters to remain on all dams now built, as removing the rafters would endanger the dams. The time to put in the slopes, after the weather becomes warm in the spring, so as not to endanger the hands or subject them to great exposure. Said slopes to be sixty feet in length in the channel of said river."

And it was not adopted.

Mr. Walser offered the following amendment, viz:

Provided, That nothing herein shall be so construed as to apply to the county of Davidson, or future legislation on the subject of navigation in said river.

And it was not adopted.

Mr. Caldwell, of B., moved that the bill be postponed until the 10th of January, and the question thereon was put, and

Decided in the negative—Yeas, 19

Nays, 90

On motion of Mr. Hall, of R.,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Caldwell, of B., Ferebee, Gaither, of I., Jones, of O., Kerr, Leak, Morehead, Morgan, Newby, Outlaw, Sanders,

Scales, Simonton, Smith, Sparrow, Stanford, Ward, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Brunnell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Fleming, Foy, Gaither, of D., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Kirby, Leffers, Lewis, Long, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Ripley, Shaw, Sherrill, Simpson, Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Whitfield, Wilson and Williams.

And the question recurring,

Mr. Norwood offered the following amendment, viz :

Provided, however, That this act shall not go into operation until all the mill owners affected by it shall, by deeds to be approved by the attorney general of the State, release all claims of damage against the State by reason of the operation of this act.

And it was not adopted.

Mr. Dula offered the following amendment, viz :

That one-third of the main channel of said river be kept open, from Hagen's Ford, in Caldwell county, to Patterson's Factory in Caldwell county, instead of thirty feet.

And it was adopted.

The question recurring "Shall this bill pass the second reading?" was put, and

Decided in the affirmative—Yeas, 86

Nays, 21

On motion of Mr. Gaither, of I.,

The yeas and nays were ordered; and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bryson, Bullock, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Dancy, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faribault, Farrow, Foy, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffiers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Speer, Speight, Stanford, Stephens, Tomlinson, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Whitfield, Williams and Windley.

And the following in the negative, viz:

Messrs. Badham, Bryan, of N. H., Burns, Cox, of P., Craven, Dargan, Ferebee, Fleming, Gaither, of D., Gaither, of L., Green, of C., Henry, Newby, Roney, Smith, Sparrow, Taylor, Thornburg, Wilson, Windley and Woodfin.

Received a message from the Senate, proposing to set apart the 2nd Saturday in January, at 3 o'clock, P. M., for the appointment of magistrates. The House concurred.

Received a message from the Senate informing the House of the appointment of Mr. Lane, on their part, to wait upon the Governor elect, and of Messrs. Steele, Donnell and Edney to the committee of arrangements on their part.

Mr. Lewis moved that a message be sent to the Senate, proposing to proceed forthwith to elect twelve trustees of the University, and it was not adopted.

On motion of Mr. Bryan, of N. H.,

The rules being suspended,

S. 183, an engrossed bill from the Senate to charter the Buckhorn Iron Mining Company, was read the third time, and the question put, "shall this bill pass the third reading?" when,

Mr. Outlaw moved to amend, as follows:

Be it further enacted, That at least one of the directors of said company shall be a resident citizen of this State."

And it was adopted, and ordered to be sent to the Senate for their concurrence; and then the bill passed the third reading.

H. 161, Mr. Bridgers' bill to amend the Revised Code, chapter Entries and Grants.

The question being upon the substitute proposed by the committee on the judiciary, the same was adopted; and then the question being, "shall the bill, as amended, pass the second reading?"

Mr. Ransom moved that the bill be amended by striking out "seven" and inserting "twenty-one"; and it was adopted.

Mr. Ransom then moved that the bill, as amended, be re-committed to the judiciary committee, and it was not adopted.

Mr. Caldwell, of G., moved that the vote by which the House had adopted the amendment of Mr. Ransom, be reconsidered, and, there being counted sixty-three votes in the affirmative, the motion was adopted. The question recurring, the amendment was again adopted; and the question recurring,

Mr. Fleming moved the bill be indefinitely postponed; and the question being thereon and a motion before the house, made by Mr. Outlaw, that the yeas and nays be ordered thereon, the hour for the adjournment arrived, and

The House adjourned.

TUESDAY, DECEMBER 21st, 1858.

The Speaker laid before the House the annual statement of the Commercial Bank; which, on motion of Mr. Bryan, of N. H., was sent to the Senate with a proposition to print.

Mr. Purdie, from the committee on claims, reported

H. 38, Mr. Gardener's resolution in favor of N. B. Long, with the recommendation that it do pass.

Mr. Kerr, from the committee on the judiciary, reported

H. 50, Mr. Craven's bill to amend Revised Code, chapter 34, section 28, Bastards, recommending that it do not pass. Also,

H. 76, Mr. Stephens' bill to establish a homestead freehold, recommending that it do not pass. Also,

H. 116, Mr. Walser's bill on the subject of poor debtors, recommending that it do not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. 177, Mr. Burke's bill to open the Catawba river to the passage of fish, with the following amendments, viz:

(1.) Strike out "sixty" and insert "thirty," and strike out "fifty," and insert "fifteen" wherever the same appear.

(2.) Strike out in the 3rd section the words "or adjoining."

And, so amended, recommended its passage.

Mr. Baxter, from the same committee, reported

H. 193, the bill of Mr. Cox, of Jones, in favor of Wm. Pollock, late sheriff of Jones county, with the recommendation that it do pass.

Mr. Hill, of H., from the committee on corporations, reported

H. 211, bill of Mr. Green, of F., to charter the Portis Gold Mining Company, with the following amendments:

(1.) Strike out all of section 1st, after the word, "same," in the 14th line down to the word "and," in the 20th line.

(2.) Strike out sections 2nd, 3rd and 4th, and insert as follows: "Said corporation may divide their stock into shares of not less than fifty dollars, and one of its directors shall be a resident of the State of North-Carolina." And, as an additional section,

(3.) "Individual stockholders shall be liable to double the amount of their stock."

And, so amended, he recommended the bill do pass.

Mr. Baird, from the committee on claims, reported

H. 213, Mr. Baird's resolution in favor of Polly Pinner, with the recommendation that it do pass.

Mr. Hill, of H., from the committee on corporations and currency, reported

H. 214, Mr. Thompson's bill to charter the Goldsboro' Mutual Insurance Company, with the following amendment:

Strike out sections 2nd, 3rd and 6th; and so amended, recommended it do pass.

Mr. Baird, from the committee on claims, reported

H. 221, Mr. Baird's resolution in favor of W. J. Brown, and recommended it do pass.

Mr. Purdie, from the same committee, reported

H. R. 225, Mr. Bridgers' resolution in favor of Elias Barnes, of Wilson, with the recommendation that it do pass.

Mr. Kerr, from the committee on the judiciary, reported

H. 238, Mr. Outlaw's bill concerning the custody of minors, recommending that it do pass. Also,

H. 243, Mr. McKay's bill to explain and amend Revised Code, chapter 4th, section 14, Appeals, &c., recommending that it do not pass.

Mr. Simpson, from the committee on private bills, reported

H. 251, Mr. Whitfield's bill concerning witnesses in Lenoir county, with the recommendation that it do pass.

Mr. Bryan, of C., from the committee on claims, reported

H. R. 263, Mr. Green's resolution in favor of Wm. Thompson, recommending its passage.

Mr. Kerr, from the committee on the judiciary, reported

H. 266, Mr. Simonton's bill to amend Revised Code, chapter 37, section 2, Deeds, etc., with the recommendation that it do not pass.

Mr. Scales, from the committee on claims, reported

H. R. 272, Mr. McCotter's resolution in favor of Jas. H. Forbes, and others, with the recommendation that it do not pass.

Mr. Baxter, from the committee on propositions and grievances, reported

H. R. 274, Mr. Bryson's resolution in favor of E. D. Davis, of Jackson, with the recommendation that it do pass.

Mr. Scales, from the committee on claims, reported

H. R. 283, Mr. Bridgers' resolution in favor of Jas. F. Jenkins, with the recommendation that it do pass.

Mr. Kerr, from the committee on the judiciary, reported

on the petition of Richard Roberts, and others, of Cherokee, that it was not expedient to grant the same.

On motion of Mr. Meares,

Resolved, That the committee on finance be instructed to enquire whether a modification of the usury laws may not be made, by which the revenues will be greatly increased, and at the same time the interests of the debtor class of our citizens be subserved, and that they report by bill or otherwise.

Mr. Ward moved that a message be sent to the Senate, proposing, at 12 o'clock, A. M., of Thursday next, to elect seven councillors of State.

Mr. Bridgers moved to amend by inserting "to-morrow," and it was adopted; and the resolution, as amended, was then adopted, and the message sent accordingly.

Mr. Bullock, from the committee on enrolled bills, reported that they had examined and compared "S. 196, an act to extend the powers of the New River Navigation Company," with the original, and found the same correct, and ready for ratification.

Mr. Faribault offered the following:

Resolved, That the committee on privileges and elections be instructed to enquire if Thomas Settle does not, or did not at the time of his election to a seat in this House, hold the office of county solicitor in one of the counties of this State; and that they enquire if the said Thomas Settle, Hon. John Kerr and Hon. John M. Morehead were not, at the time of their election, trustees of the University of this State; that they enquire if W. T. Dortch and Ervin A. Thompson are not directors on the part of the State, in one or more Railroad Companies in the State; that they enquire if James H. Foy is not, or was not at the time of his election, a postmaster in the county of Onslow, and if R. Reeves was not at the same time, and is not now, a postmaster in the county of Surry; that they enquire if B. M. Baxter is not, or was not at the time of his election, clerk and master in equity for Currituck county; and that the said committee also report whether the said gentlemen, holding said offices, were not constitutionally

ineligible to seats in this House at the time of their election ; and that said committee report by bill, or otherwise,

Which, being read, Mr. Hall, of Warren, moved that it be indefinitely postponed ; and the question thereon was put and

Decided in the negative—Yeas, 37

Nays, 63

On motion of Mr. Faribault,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Barbee, Blount, Bryan, of C., Bullock, Burke, Costner, Cox, of J., Faison, Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdsclaw, Long, Lyon, McKay, Masten, Moore, of C., Moore, of N. H., Morehead, Ransom, Roney, Scales, Shaw, Sherrill, Simpson, Tomlinson, Wallace, Watson, Whitfield and Williams.

And the following voted in the negative, viz :

Messrs. Badham, Bridgers, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Cox, of P., Craven, Dancy, Dockery, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of F., Henry, Hester, Hutchins, Jones, of C., Jones, of O., Leak, Leffers, Lewis, Love, McCotter, Martin, Meares, Moore, of M., Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Ripley, Sanders, Simonton, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Thornburg, Walker, Walser, Ward, Watters, Wilson, Windley and Woodfin.

And the question recurring, “ shall this resolution be adopted ? ”

Mr. Masten moved the same be laid on the table, and the question thereon was put, (Mr. Ferebee presiding,) and

Decided in the negative—Yeas 32

Nays 72

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryan, of C., Bullock, Burke, Clapp, Cox,

of J., Faison, Farrow, Gentry, Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdscaw, Long, Lyon, McKay, Masten, Norman, Ransom, Roney, Scales, Shaw, Sherrill, Simpson, Tomlinson, Wallace, Washburne and Whitfield.

And the following voted in the negative, viz :

Messrs. Badham, Blount, Bridgers, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Cox, of P., Craven, Dancy, Dickson, Dockery, Drake, Dortch, Dula, Eller, Faribault, Ferebee, Fleming, Fagg, Gaither, of D., Gaither, of L., Gardener, Gatling, Green, of C., Green, of F., Henry, Hester, Hutchins, Jones, of C., Jones, of O., Leak, Leffers, Lewis, Love, McCotter, Martin, Meares, Moore, of C., Moore, of M., Moore, of N. H., Newby, Norwood, Outlaw, Pritchard, Purdie, Reagan, Ripley, Sanders, Simon-ton, Smallwood, Smith, Speer, Speight, Sparrow, Stanford, Stephens, Taylor, Thornburg, Walker, Ward, Walser, Watters, Watson, Wilson, Williams, Windley and Woodfin.

So the House refused to lay the question on the table, and it recurred, when

Mr. Smith moved to strike out that part which directs the inquiry as to trustees and railroad directors.

Mr. McKay moved to amend the amendment by adding, "and so far as relates to the Speaker;" and the question thereon was put, and it was not adopted; and the question was put upon the amendment, and it was not adopted, there being counted yeas 30, nays 53.

The question recurring,

Mr. Hill, of S., moved to amend by striking out "the committee on privileges and elections," and inserting "judiciary;" and it was not adopted.

Mr. Gentry offered the following amendment: "And that said committee report the facts only;" and it was not adopted.

The question then recurred, and was put and

Decided in the affirmative—Yeas 91

Nays 13

On motion of Mr. Faribault,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Badham, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Long, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Walker, Walser, Ward, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Bullock, Farrow, Gentry, Hall, of R., Hall, of W., Hargrove, Harrington, Lyon, Simpson, Wallace, Washburne and Whitfield.

On motion of Mr. Shaw,

Resolved, That the use of this hall be granted to Wm. R. Hunter, this night, for the purpose of delivering a literary lecture.

On motion of Mr. Dortch,

H. 28, his bill concerning *femes covert* was postponed until the 6th of January next at 11 o'clock.

On motion of Mr. Outlaw,

H. 76, Mr. Stephens' homestead bill was postponed until the 7th January next, at 12 o'clock.

The Speaker, at 12 o'clock, called up the special order, viz :

H. 92, Mr. Simpson's bill to charter the Greensboro' & Danville Railroad Company.

And the same was read, and the question put "shall this bill pass the second reading?"

On motion of Mr. Bridgers,

The subject was postponed until to-morrow 11 o'clock.
And the House, at 1 o'clock 57m., adjourned.

WEDNESDAY, DECEMBER 22, 1858.

Mr. Harrington presented the pension certificates of Martha Spears, and an application on her part for increase of pension. Also,

The petition of Alexander Morrison for an allowance under the Revised Code, chapter 84, title Pensions; which were referred to the committee on claims.

On motion of Mr. Scales,

Mr. Caldwell, of Burke, was excused from service on the committee on the Atlantic & North-Carolina Railroad Company, and Mr. Baird appointed in his place.

Mr. McKay, from the committee on internal improvement, reported

H. 132, Mr. Williams' bill to charter the Milton & Yanceyville Junction Railroad Company, with the recommendation that it do not pass.

Mr. Bryan, of Craven, from the committee on claims, reported

H. R. 180, Mr. Woodfin's resolution in favor of H. H. Davidson, sheriff of Cherokee county, with the recommendation that it do pass. Whereupon,

On motion of Mr. Woodfin,

The rules being suspended, the resolution was read the second time, and the question put, when

Mr. Purdie, offered the following amendment, "and that his commission be allowed;" and the same was adopted, when Mr. Purdie offered the following:

Strike out all after the word "*Resolved*," and insert:

"That the public treasurer be and he is hereby authorized to remit the penalty of \$1000, recovered against H. H. Davidson, sheriff of Cherokee county, on motion of the attorney general, at the October term of the superior court of Wake county: *Provided*, That the public treasurer shall not allow

him his usual commissions, nor make any allowance for insolvents, and that said H. H. Davidson; sheriff, shall pay all costs incurred in rendering up said judgment, and shall forthwith settle balance now due the treasury."

And the same was not adopted, and the question recurring, Mr. Hargrove moved to amend as follows, viz :

" *Provided*, That this resolution shall not take effect until the said sheriff shall have made the proper affidavit, as now required by law."

And the same was adopted, and the resolution, as amended, then passed the third reading, and was ordered to be engrossed and sent to the Senate.

Bills, etc., of the following titles, were read the first time, passed the first reading, and were otherwise disposed of as follows, viz :

By Mr. Sparrow : resolution (297) in favor of Jas. B. Harding.

By Mr. Hutchins : resolution (298) in favor of W. L. Pomerooy. Claims.

By Mr. Norwood : resolution (299) in favor of the estate of the late chief justice Nash.

By Mr. Dancy : bill (300) to amend Revised Code, chapter 12, Bastards. Judiciary.

By Mr. Moore, of N. H. : bill (301) to charter the town of Lillington, in the county of New Hanover. Private bills.

By Mr. Smallwood : bill (302) to increase the public revenue. Finance.

By Mr. Smith : bill (303) concerning registration and deeds. Judiciary.

S. 304, engrossed bill to amend the charter of Newton, in Catawba county.

S. 305, engrossed bill to charter the Salisbury Gaslight Company.

S. R. 306, engrossed resolution in favor of Jas. H. Vinson.

S. 307, engrossed bill to charter Lake Landing Company.

S. 308, engrossed bill to charter the Oak City Savings Bank.

S. 309, engrossed bill for the relief of persons interested in records destroyed by fire.

S. R. 310, engrossed resolution in favor of Thos. Schrader.

S. R. 311, engrossed resolution in favor of Sarah A. Johnson.

S. 312, engrossed bill concerning the sheriff of Cabarrus.

S. 313, engrossed bill to amend the charter of the Fairfield Canal Company.

S. 314, engrossed bill to charter the Long Acre Guards.

Received a message from the Senate, proposing to proceed, at 12 o'clock, to elect seven councillors of State, and the same was agreed to, and Messrs. Kirby and Ferebee appointed on the part of the House to superintend the election.

Received a message from the Senate, agreeing to the amendment adopted in this House to

S. 183, bill to charter the Buckhorn Iron Mining Company.

H. 17, Mr. Reeves' bill to open the Yadkin river, &c., being read the third time, passed the third reading.

On motion of Mr. Ferebee,

H. 85, Mr. Reeves' bill to repeal the Revised Code, chapter 2, sections 13, 14, 15 and 16, Agriculture and Geology, was postponed until the 11th of January, at 11 o'clock.

H. 92, Mr. Simpson's bill to charter the Greensboro' and Danville Railroad Company, was,

On motion of Mr. Outlaw,

Postponed until the 10th day of January, at 11 o'clock.

An election was then held for councillors of State, with the following result, viz:

The following members voted for MESSRS. GRANBERRY, AVERITT, BRIDGERS, WAUGH, POWELL, YATES and MILLS, viz:

Messrs. Speaker, Badham, Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Costner, Dancy, Dickson, Drake, Dula, Fagg, Faison, Faribault, Fleming, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdscraw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves,

Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Speight, Stephens, Tomlinson, Wallace, Ward, Watters, Watson, Whitfield, Wilson and Williams.

The following voted for Messrs. THOMPSON, GRIST, MARSH, FOSTER, PRITCHETT, MITCHELL and WALTON, viz :

Messrs. Burns, Caldwell, of B., Caldwell, of G., Cox, of P., Craven, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, McCotter, Martin, Meares, Morehead, Newby, Outlaw, Purdie, Sanders, Simonton, Smith, Sparrow, Speer, Thornburg, Walser, Windley and Woodfin.

Mr. Clapp voted for Messrs. THOMPSON, GRIST, MARSH, LONG, PRITCHETT, MITCHELL and WALTON.

Mr. Walker voted for Messrs. THOMPSON, GRIST, MARSH, BRIDGERS, PRITCHETT, MITCHELL and WALTON.

Mr. Ferebee, from the joint committee to superintend the election of Councillors of State, reported the whole number of votes cast to be 131,—necessary to a choice 66 ; of which JOSIAH T. GRANBERRY received 92 votes, JOHN A. AVERETT, SR., 92, JOHN L. BRIDGERS 93, JESSE A. WAUGH 92, WILLIAM J. YATES 92, COLUMBUS MILLS 92, PLEASANT M. POWELL 92 ; and LEWIS THOMPSON 39, FREDERICK GRIST 39, WM. T. MARSH 39, ALFRED G. FOSTER 38, JAMES H. PRITCHETT 39, ANDERSON MITCHELL 38, WILLIAM M. WALTON 39, V. C. BARRINGER 1, and W. J. LONG 1 ; and that Messrs. GRANBERRY, AVERITT, BRIDGERS, WAUGH, YATES, MILLS and POWELL, having received a majority of all the votes cast, are duly elected Councillors of the State.

Bills, etc., of the following titles being read, passed the second reading, viz :

H. 158, Mr. Bryan's bill to charter the Wilmington Ocean Steam Navigation Company, the amendments being first adopted.

H. 164, Mr. Stanford's bill to charter Kenansville Female Seminary.

H. 175, Mr. Sparrow's bill to amend the act of 1858-'59, relating to fishing in Tar and Pamlico rivers.

H. 177, Mr. Burke's bill to open the Catawba river to the passage of fish, the amendments being first adopted.

H. 190, Mr. Holdsclaw's bill for the encouragement of military officers did not pass the second reading.

H. 193, Mr. Cox's bill in favor of Wm. Pollock.

H. 213, Mr. Baird's resolution in favor of Polly Pinner.

H. 217, Mr. Stanford's bill to charter the town of Kenansville.

H. 219, Mr. Leffers' bill concerning jurors in the county of Carteret.

H. R. 221, Mr. Baird's resolution in favor of W. J. Brown.

H. 222, Mr. Foy's bill to charter the New River Steamboat Navigation Company, the amendments being first adopted.

H. 223, Mr. Purdie's bill to repeal Revised Code, chapter 70, sections 16 and 17, Militia, did not pass the second reading.

H. 224, Mr. Martin's bill to lay off a public road in Surry and Wilkes, passed the second reading. Also,

H. R. 225, Mr. Bridgers' resolution in favor of Elias Barnes, of Wilson. Also,

H. R. 226, Mr. Sanders' resolution in favor of E. D. Nichols. Also,

S. 227, engrossed bill to charter Cedar Falls Company, in Randolph. Also,

S. R. 228, engrossed resolution in favor of Geo. W. Hampton. Also,

S. 229, engrossed bill to charter the Elm City Cadets of Newbern. Also,

S. 230, engrossed bill to charter the Pamlico Guards.

S. 231, engrossed bill to charter a road from Wilkesboro' to Jefferson being read, and the question put, "Shall the bill pass the second reading?"

On motion of Mr. Hill, of S.,

And pending the same, the House adjourned.

THURSDAY, DECEMBER 23, 1858.

The Speaker stated that no quorum was in attendance,

whereupon Mr. Scales moved the House adjourn, and the question thereon was put and

Decided in the negative—Yeas, 21

Nays, 26

On motion of Mr. Drake,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Byrd, Caldwell, of G., Clapp, Drake, Eller, Gaither, of D., Gatling, Green, of F., Harrington, Higgins, Hntchins, Love, Morehead, Ripley, Roney, Scales, Shaw, Sherrill, Smallwood and Thornburg.

And the following in the negative, viz :

Messrs. Baird, Blonnt, Bryson, Burns, Dula, Farrow, Green, of C., Hargrove, Hill, of H., Holdsclaw, Kerr, Lewis, Moore, of C., Moore, of N. H., Norman, Reeves, Sanders, Simpson, Speer, Speight, Stephens, Ward, Watters, Whitfield, Wilson, and Woodfin.

Mr. Simpson moved that the House adjourn until to-morrow, 10 o'clock, and it was not adopted.

Mr. Bryson moved that the House adjourn until to-morrow, at 7 o'clock, A. M.

The Speaker said the motion contemplated the rescision of a standing rule, and, not being in order until after one day's notice, would lie over. From which decision, Mr. Bryson appealed to the House, and the question being "shall the decision of the Speaker stand as the judgment of the House?" was put and decided in the negative. So the House decided the motion in order, and it was put and decided in the affirmative.

And the members of the House present, at 10 o'clock and 25m., adjourned until to-morrow, at 7 o'clock, A. M.

FRIDAY, DECEMBER 24, 1858.

No quorum being present,

On motion of Mr. Bryson, the House adjourned.

SATURDAY, DECEMBER 25, 1858.

No quorum being present,

On motion of Mr. Sherrill, the House adjourned.

MONDAY, DECEMBER 27, 1858.

No quorum being present,

On motion of Mr. Sherrell, the House adjourned.

TUESDAY, DECEMBER 28, 1858.

The Clerk called the House to order, and, by the direction of the Speaker, requested Mr. Love to take the chair.

Mr. Sherrill moved the House adjourn, and, a division being called for, there were counted yeas 2, nays 9, when the Speaker said the count showed no quorum, and that the House would adjourn until to-morrow, at 10 o'clock; so the House adjourned.

WEDNESDAY, DECEMBER 29, 1858.

No quorum being present,

On motion of Mr. Wilson, the House adjourned.

THURSDAY, DECEMBER 30, 1858.

No quorum being present,

On motion of Mr. Sherrill, the House adjourned.

FRIDAY, DECEMBER 31, 1858.

No quorum being present,

On motion of Mr. Scales, the House adjourned.

SATURDAY, JANUARY 1, 1859.

No quorum appearing,

On motion of Mr. Love,

The House adjourned till 11 o'clock 45m., this day.

The House having re-assembled, pursuant to adjournment, the sheriff of Wake returned that, in obedience to a writ addressed to him by the Speaker, he had held an election, on the 30th ult., at the various precincts in said county, for a member of the House to fill the vacancy occasioned by the resignation of Ed. G. Haywood, and that Henry Mordecai, of said county, having received a majority of all the votes cast, had been duly elected.

Whereupon, the House concurring, Mr. Mordecai appeared, took and subscribed the oaths prescribed by law, and took a seat in the House.

Mr. Baird, from the committee of arrangements for the inauguration of Gov. Ellis, submitted the following report, viz :

The joint committee appointed to make arrangements for the inauguration of the Governor elect ask leave to make the following report, viz :

That the Speakers of the two Houses will occupy the place at the Speaker's table in the Commons Hall, and that the Governor elect and the chief justice of the supreme court will occupy the place at the clerks' desk—the Governor on the right. The remaining judges of the supreme court will occupy the seats directly in front of the clerks' table, and the committee of arrangements immediately in front of the judges of the supreme court.

The members of the Senate will occupy the front seats on the right of the Speaker's chair in the Commons hall; the

residue of said seats on the right and those on the left of the Speaker's chair will be occupied by the members of the House. After the Governor elect shall have taken and subscribed the oaths of office, and delivered his inaugural address, in the presence of both branches of the General Assembly, the Speaker of the Senate will announce that the Senators will retire to their chamber, and, thereupon, the Governor, judges and committee of arrangements will first retire, and the Speaker of the Senate will retire at the head of the members of the Senate.

Which being adopted, at a little before 12 o'clock,

On motion of Mr. Baird,

A message was sent to the Senate, informing that body that the House, having adopted the programme for the inauguration recommended by the joint committee, waited their arrival to proceed therewith.

The Senate, preceded by the Speaker and Secretary, were soon afterwards announced, and being received standing and conducted to seats on the right of the Speaker,

Shortly thereafter, the Governor elect, attended by his Excellency the Governor, the judges of the supreme court, and the joint committee of arrangements, appeared and were announced.

The Governor elect, the Governor, and the chief justice were seated at the clerk's table; and the business of the convention having been previously announced by the Speaker of the Senate, the Governor elect read the following address, viz :

Fellow-Citizens of the Senate and

House of Commons :

The ceremony in which we are about to engage, presents a fitting occasion to render our humble acknowledgments to Almighty God, for the many social and political blessings that we have enjoyed under His providence.

This day we have assembled as a free people, through our representatives, to witness a succession in the office of Chief Executive Magistrate of the State; a succession which, like

those preceding it, being effected by the free action of the popular will, presents to the world a renewed evidence that with us "all political power is vested in and derived from the people only."

Based upon this great principle, our political organization, formed though it was in the most unpropitious hour of a doubtful revolution, has, under Divine superintendence, been sustained and preserved through almost an entire century, securing to our people the blessings of peace, and presenting at stated periods, as prescribed by law, the spectacle we are allowed to look upon to-day. From the inauguration of the government to the present time, one Chief Magistrate after another has quietly departed from office, upon the expiration of his term, and his successor has been duly installed, without disturbance or commotion, and with the ready acquiescence of a united people.

During the same period almost all the nations of the earth, beyond the circle of American States, possessing forms of government similar to our own, have been convulsed by internal violence and discord. In many of them revolution has rapidly succeeded revolution, and war has followed fast in the footsteps of war, devouring with rapacity the blood and substance of their distracted people.

While these obvious truths of history incline our hearts with gratitude towards the Supreme Ruler of the Universe, that He has so controlled the affairs of men as to avert from this people the calamities that have befallen others, they induce a pleasing contemplation of those principles of our government that have been made the instruments, in the hands of Providence, of effecting for us so distinguishing a happiness.

It is this government of the popular will, as ascertained through the medium of the majority, that has secured to us this uninterrupted peace, this unbroken repose, with all their attendant social and domestic blessings. Indeed, it is difficult to perceive how such a government, so long as the people themselves continue virtuous and intelligent, can ever be shaken by internal violence.

Founded in natural reason, the will of the majority commends itself to the judgments of men, and receives a united support, by drawing after it, through a conviction of its justice, the quiet acquiescence of the minority. There is a moral force derived from the well ascertained judgment of a majority of intelligent freemen, before which no resistance of faction can prove dangerous, and over which no cause of rebellion can ever triumph. And it is a case not to be supposed, that an enlightened people would, at any time, resort to the irregular means of force to effect a desired change in government, when the same might be accomplished by peaceful methods entirely at their discretion.

Well assured, then, are we of the solid foundations upon which rests our domestic tranquility. And this peace at home is the most reliable safeguard against those external dangers to which nations are liable, since under its gentle influences prosper most the great material interests of the people which constitute that wealth, in which lies the strength of the State. But the superiority over others of a government of the majority is not alone manifested by our own successful example, or the example of those States associated with us in the American Union. The common consent of mankind furnishes a testimony in behalf of popular government. We occupy at the present time a stand-point in history, from which, looking back upon events that have passed, and around us upon those that are transpiring in the present, we are enabled to measure the triumphant march of democratic principles in every land, and among every people where the lights of civilization have reached, dissolving as they progress those mists that have hung around the minds of men, enchaining for long ages the human intellect in the strong bonds of prejudice, and illustrating the beautiful consistency of the Creator's wisdom, who, as He holds men accountable for their actions, has not denied them the capacity of self-government and control.

The just powers of the people are now being widely felt and acknowledged; and it is plain to be seen that the current of governmental reforms, at least in civilized countries, is democratic in its tendencies; and in all States like our own, where

the mind has freedom of action, and men are left to follow the convictions of the judgment, these tendencies are more decided and unequivocal in their character.

Believing the democratic to be the true theory of government, I shall ever regard an extension of its teachings amongst us as a public blessing; convinced of the truth of the principle it involves, I do not fear its universal application; and following principle, would willingly see the popular will brought to bear directly, and without the intervention of agents, upon all questions touching the practical operations of our government, where the same may not be rendered impossible by the interposition of merely physical causes.

Entertaining these sentiments, I can, with entire satisfaction, congratulate you upon a recent advance made in popular government, in our own State. At the late elections, the people were, for the first time, permitted to exercise the privilege of free and universal suffrage; and certainly the result furnishes no circumstance calculated to create apprehensions for the welfare of our political institutions.

In appearing before you to-day, gentlemen, to assume the responsibilities of the high station to which I have been called, I must be indulged in an expression of my profound gratitude towards my fellow-citizens for the signal mark of their confidence in selecting me to fill the first office in their gift—a compliment rendered the more flattering because of the circumstances of their intimate personal acquaintance with me, acquired through years of public service on my part in an important office, the duties of which brought me in almost daily association with them. Distrustful of my own capacity to discharge, to their satisfaction, the heavy duties appertaining to this position, I shall, nevertheless, endeavor to make some return for their generous confidence, by maintaining the public honor and advancing the public welfare, as far as my ability will admit. And I will feel strengthened and encouraged in the discharge of duty, by a perfect assurance, derived from an intimate acquaintance with the people of North-Carolina, that honesty of purpose and rectitude of intention in a public officer are more prized by them than exalted tal-

ents, and are the surest passports to their confidence and esteem. I come, gentlemen, to the discharge of these high duties at a most interesting period of our history.

In the extraordinary social progress that characterizes the age, North-Carolina has borne her part in a manner gratifying to her citizens, who ever take pleasure in her moral and physical advancement.

A well directed system of public education, established by law, furnishes primary schools in all parts of our territory; so that, at this day, every child of the State has the means of education placed within its reach. Through the benevolent enterprise of individuals, schools and colleges for instruction in the higher branches of learning have been established in almost every county. The unfortunate and the afflicted, too, have been cared for; and the institution for the deaf and dumb and the blind, and the asylum for the insane, will prove enduring monuments of the Christian charity and virtuous wisdom of your predecessors.

Our educational system is but an index to the state of religion and morals among our people. We may, without self-exaltation, turn our thankful hearts towards the Supreme Being that their growth has so signally prospered in our midst. We are now in the full enjoyment of the rich fruit of that free and universal religious toleration which forms a distinguishing feature of our government; and, instead of the jarring of conflicting sects, we have the harmonious action of all denominations of Christians, in teaching the great truths of practical religion, and introducing that moral training among the people, which is an essential preparation to their exercising properly the functions of self-government.

The material progress of the State has been fully in unison with our intellectual and moral improvement. North-Carolina has now within her limits a line of two thousand miles of safe inland navigation, adapted to the uses of either steam or sailing vessels, which, with six hundred miles of railway, in actual operation, affords convenient market facilities to three-fourths of her population, spread over two-thirds of her territory. Other public enterprises, embracing in their de-

sign the entire State, are now in successful progress. And after all the expenditures from the public treasury, necessary to the accomplishment of those objects, it is a fact, as gratifying as it is true, that there exists amongst us, to-day, more individual and public wealth than at any former period.

Upon all whom the people have entrusted with power, devolves the responsibility of fostering and protecting these, the most vital interests of the State. Happily for the public welfare, upon yourselves, with whom is all legislative power, this burthen principally rests—nowhere can the great interests of the State be so safely reposed as with the representatives of the people.

Whenever executive action may be proper in connection with these, or any of the varied interests of the State, it shall be directed with an object single to the public good, and according to those principles already announced by me to the people upon various occasions.

I indulge an entire confidence that any efforts of mine to add to the efficiency and increase the usefulness of our system of public education will be sustained by the cordial and unanimous approval of our people; so deeply are they impressed with the benefits we derive from it. Upon this subject there is but one wish, and one desire.

Upon the subject of internal improvements there exists some diversity of public sentiment; which fact is well calculated to give rise to the expectation, that I will make known upon this occasion, the views that I entertain relative to a further prosecution of our public works. It is upon questions where the people are divided in opinion, above all others, that they have reason to expect an unreserved avowal of the sentiments entertained by the public servants. I shall endeavor to acquit myself of this duty, with a directness and explicitness becoming this solemn occasion, and the important question under consideration.

The views which I recently expressed relative to these enterprises, upon frequent occasions, to the public, were such as had been maturely considered, after due reflection upon the wants of the State, and our ability to construct such works

as are indispensable to a development of our natural resources ; and after a careful review of them, I have no reason now to offer for their modification.

Much as has been done towards the physical development of the State, some of our chief sources of wealth have not yet been reached. It may admit of doubt whether the iron interest, for example, capable as it certainly is of expansion, is in a more flourishing condition now than when the foundries of Lincoln forged cannon ball that were employed in the battles of the revolution ; while our measures of mineral coal, a leading article in the world's commerce, have only been sufficiently explored to manifest our neglected riches. An agricultural region, too, of undoubted capabilities, and embracing perhaps, a fourth part of our territory, has thus far made but limited progress, because of its exclusion from the markets of the world.

Due reflection upon facts like these, can leave but little doubt of the policy which our true interests dictate. A great work has been more than half accomplished—a vast enterprise, wisely projected with a view to a system of our own, has, after years of toil, and the expenditure of several millions of money, been forwarded well nigh to completion ; and the citizens of this generation are called upon to perform their share of this labor, in which is centered the most cherished hopes of the State, and for which we will have our chief claim upon millions that will come after us, for their gratitude and thanks.

The stern requirements of a progressive civilization impel us to prosecute steadily enterprises like these, which are but such as have been accomplished by other enlightened States, and, at this day, are regarded as essential to the social advancement of a people. Standing, as we do, full in the noon-day sun of the civilization of the nineteenth century, we cannot, consistently with the dignity of our own high position, abandon works such as have received the approval of intelligent men in all countries, and which stand forth as the self-evident agents in effecting the most wonderful progress in the moral,

social and political condition of nations that, at any time, marks the history of the world.

And yet, I would not counsel an incautious expenditure of the public money, by embarking in new enterprises "not urgently called for" by the necessities of the public. Indeed, upon the practice of a rigid economy in all appropriations for public purposes, more than upon any one circumstance, depends the successful prosecution of works already commenced.

A careful consideration of the subject, confirms me in the belief that, by the observance of a prudent economy, our public works may be gradually prosecuted to completion, without either embarrassing the public treasury or materially increasing the burdens of taxation.

A more detailed treatment of this subject would be incompatible with the general remarks which I propose to employ upon this occasion. Specific recommendations will be reserved for a more appropriate time.

Upon a subject enlisting the hopes of so many thousands of our people, and in which is involved the material progress of the State, may not the expectation be entertained that a conciliatory policy will be adopted, which will command the approbation of our citizens generally? There is a peculiar propriety in harmonizing the opinions of the public upon this question, since our system of improvements is designed to obliterate sectional distinctions, and produce a unity of interest and feeling among the people. A compromise policy, upon a fixed and medium ground, would infuse vigor into the prosecution of these enterprises, by the confidence which its moderation and permanency would inspire; removing them at once from the arena of party politics, and placing them above mere sectional jealousies and the machinations of political factions.

In commending a punctilious observance of all the public engagements, I know I but utter a sentiment that animates every bosom within the wide domain of our State. A violation of faith, under any circumstances, is among the most melancholy instances of human infirmity; and, in the case

of a State, where the public honor has been accepted as a bond, it becomes a crime without mitigation.

First among the rich inheritances for which we are indebted to a virtuous ancestry, are those just and honorable sentiments planted deeply in the minds and hearts of our people, which hold in abhorrence the very idea of a breach of the public faith.

That this inheritance may pass unimpaired to posterity, I am convinced, will ever be an object of solicitude with the Legislature. Representing, as you do, the sentiments of the people upon this subject, is a sure guarantee that ample provision will be made to meet with promptness and regularity the interest accruing upon the debt of the State; and that the sinking fund, created for the liquidation of the principal upon maturity, will be carefully protected and cherished.

It is perhaps proper that I should make some reference, upon this occasion, to the condition of our State as a member of the Federal Union; and to the relations she sustains towards her associates in the Confederacy.

It is a fact, much to be deplored, that the same tranquillity and repose which have so constantly attended our domestic concerns, and under which our varied interests have strengthened and grown, have not so uniformly characterized our association among the States of the Union. Aggressions upon our political rights and private interests, in common with those of the other Southern States, by a class of our fellow-citizens residing in the northern portion of the Confederacy, have given rise to complaints that are well known to all, and engendered animosities destructive of that mutual friendship, which should ever characterize so intimate a relation. Indeed, so determined and persistent have been these aggressions, that the extreme remedy of a disruption of the Union has become to be frequently suggested and familiarly discussed.

Grievous as are these causes of discontent, we are not prepared for the acknowledgment that we cannot enjoy all of our constitutional rights in the Union. Should that day unfortunately come, but little doubt need be entertained that our people will act as best comports with their interests and honor,

and with the sacred memories of the past, to whatever result it may lead.

In the meantime, our bearing in the Confederacy should be in accordance with the consistent and dignified character of the State, and such as becomes a just and Christian people—cultivating amicable relations with our associate States, and reciprocating offices of kind and neighborly friendship, at the same time that we manifest a jealous regard for our own political rights; forbearing towards those with whom we are associated in the most elevated pursuits that can engage the attention of men, yet firm in the maintenance of that equality without which any association would be a living badge of shame; tolerant in others of those differences of opinion which result from education, association, climate, soil, and the many causes which tend to influence character in its formation, yet yielding nothing of the convictions of our judgment; abstaining from hasty and intemperate threats, as inconsistent with the dignity of a sovereign State, yet not slow to protest firmly, and deliberately against impending injuries; always deliberating considerately and discreetly, resolving with decision, and executing those resolves with certainty, boldness, vigor and courage. Such a course will, at least, gain us the high reward of our own self-respect, and may tend to induce a returning sense of justice on the part of such as are disposed to infringe our rights; failing in which, however, it will fortify us before men in whatever position we may think proper to occupy in the events that may follow.

It would subserve no useful purpose to make more particular reference at this time to the unhappy dissensions that exist between the two classes of slaveholding and non-slaveholding States, or to speculate upon the disastrous consequences to which they may lead. At no time an agreeable service, I would especially refrain from obtruding them upon your reflections, this day. We enter, to-day, upon a new year in our brilliant career of self-government, and Americans, everywhere, may well devote it to felicitating each other upon the many happy circumstances that surround our condition.

And, out of sacred memories of past sufferings and toils in a common cause, a contemplation of present splendid power and grandeur as a nation, and expectations of the triumphs that yet await this great republic—sentiments that must fill the minds and breasts of all Americans on this national festive day—there naturally arise hopeful anticipations of the permanence and durability of our political system.

The patriotic emotions which this day excites, are calculated to bring to mind another, memorable in the history of the country; a day now fifty-seven years past, when Mr. Jefferson, upon a great occasion, stood before his assembled countrymen, and declared with solemn emphasis: "I believe this the strongest government on earth." His prophetic wisdom, which has so often proved a beacon light to the people of this country, guiding them in times of imminent peril to a secure haven, is well calculated to inspire us with encouragement and hope in our present embarrassment.

There is a strong common sense among the American people which is not quick to desert them, and which triumphs over obstacles and solves intricate political questions that perplex the mere theorist in governmental science. Upon this good sense, under Heaven, may we not securely rely for the preservation of our present happy political organization, dispensing to a remote posterity the same blessings we have enjoyed under it, and fulfilling that high destiny among men which Heaven has ordained it?

I will now, gentlemen, in obedience to the constitution, subscribe, in your presence, the oaths of office, relying upon an Infinite Power for wisdom and strength to enable me to discharge properly the solemn obligations they impose; and, for a benignant judgment of my official action, trusting to the indulgence of a generous people.

And immediately thereupon took and subscribed the following oaths, to-wit: The oath of allegiance to the State; an oath to support the Constitution of this State, and of the United States; and the oath of office.

Whereupon, the Speaker of the Senate declared the Con-

vention dissolved, and the Governor, the Ex-Governor, and judges having withdrawn, the Speaker of the Senate, and Secretary and Senators also withdrew ; and then,

On motion of Mr. Bryan, of N. H.,
And at 1 o'clock, the House adjourned.

MONDAY, JANUARY 3, 1859.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Moore, of Martin, Lewis, Brummell, Sanders and Higgins.

Mr. Reeves presented the memorial of Stephen Venable, and others, asking aid to a road at Fisher's gap in Surry county.

Received a message from the Senate, informing the House that Messrs. Bledsoe, Cowper and Dillard composed the Senate branch of the committee on enrolled bills.

By another message, the Senate proposed to raise a joint committee of two on the part of the Senate, and three on the part of the House, to examine the condition of the furniture in the Governor's mansion.

Also, that the Senate had passed the engrossed House bill concerning magistrates in Onslow county, with an amendment.

The House concurred.

Bills, etc., of the following titles, were introduced, read the first time and passed the first reading, viz :

By Mr. Hall, of Warren : resolution (315) in favor of Norwood Parker & Co. Claims.

By Mr. Bryson : bill (316) to charter the town of Webster. Corporations.

By Mr. Norwood : bill (317) to charter the University Railroad Company.

By Mr. Bryan, of New Hanover : bill (318) to amend the charter of the bank of Wilmington. Corporations and currency.

By Mr. Walker: Bill (319) to establish the county of Hiawasse. Propositions and grievances.

By Mr. Leffers: bill (320) to charter the Beaufort Steamboat Ferry Company.

By Mr. Badham: bill (321) to amend the charter of the town of Edenton.

By Mr. Love: bill (322) to prevent the sale of adulterated spirituous liquors. Judiciary.

By Mr. Smith: bill (323) to amend the charter of the Farmer's bank. Corporations and currency.

And the following from the Senate, viz:

S. 324, bill to amend the Revised Code, chapter 119, Wills and Testaments. Judiciary.

S. 325, bill to amend the laws concerning public roads in Henderson and Buncombe.

S. 326, bill to alter the terms of court in Jones county.

S. 327, bill to amend Revised Code, chapter 28, section 2, County Revenue and Charges.

S. 328, bill to amend the charter of the bank of Cape Fear. Corporations and currency.

S. 329, bill to amend Revised Code, chapter 7, section 28, Attachment.

The House resumed the consideration of

S. 231, the engrossed bill from the Senate to charter a public road from Wilkesboro' to Jefferson,—the pending question being "Shall the bill pass the second reading?" and it was decided in the affirmative.

The House resumed the calendar:

H. R. 38, Mr. Gardener's resolution in favor of A. B. Long passed the second reading.

H. 50, Mr. Craven's bill to amend the Revised Code, chap. 34, section 28, Bastards, did not pass the second reading.

H. 51, Mr. Bryson's bill to charter the Wa-ye-Hutta Mining and Manufacturing Company passed the second reading.

H. 52, Mr. Woodfin's bill to establish the county of Bragg. The question being "Shall this bill pass the second reading?"

Mr. Reeves moved to amend the same by striking out the

name "Bragg," and inserting in lieu thereof "Fagg,"—pending which,

On motion of Mr. Benbury,

The bill was indefinitely postponed—Yeas, 47

Nays, 31

On motion of Mr. Caldwell, of G.,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Blount, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dargan, Dortch, Drake, Faison, Farrow, Foy, Green, of C., Green, of F., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hutchins, Jones, of C., Jones of O., Kerr, Leffers, Lewis, Lyon, Masten, Moore, of C., Moore, of M., Mordecai, Newby, Norman, Purdie, Roney, Sanders, Scales, Smith, Stanford, Tomlinson, Thornburg, Wallace and Ward.

And the following in the negative, viz:

Messrs. Baird, Brummell, Bryan, of N. H., Bryson, Burke, Byrd, Dula, Eller, Fagg, Fleming, Gaither, of D., Gatling, Gentry, Hall, of R., Harrington, Higgins, Holdscaw, Love, McKay, Norwood, Reagan, Reeves, Ripley, Sherrill, Speer, Simpson, Walker, Watters, Wilson, Williams and Woodfin.

H. 60, Mr. Norwood's bill for the relief of Emily Hooper, of Liberia, in Africa, passed the second reading.

H. 69, Mr. Love's bill to charter the Potosi Mining Company, being read, and the question being on the amendments of the committee, they were adopted, and

Mr. Dortch offered the following amendments, viz:

"Sec. —. That a majority of the directors shall reside in this State."

"Sec. —. That the stockholders shall be responsible for the debts of the corporation in double the amount of their stock."

And the same were adopted; and the bill, so amended, passed the second reading.

H. 77, the bill of Mr. Jones, of C., to amend the Revised Code, chapter 31, section 40, title Courts, County and Superior, being read, was,

On motion of Mr. Fleming,

Re-committed to the committee on the judiciary.

H. 102, Mr. Walker's bill to abolish jury trials in Cherokee county, being read and the question put,

Mr. Bryson moved to amend the same by adding the county of Jackson ; and it was adopted.

Mr. Walker moved to amend as follows :

"No appropriation shall hereafter be made of the public monies of the county of Cherokee, unless a majority of the justices of the peace for said county shall be present and presiding."

And it was adopted ; and the bill, so amended, passed the second reading.

H. 104, Mr. Byrd's bill to modify the criminal laws. The question being "shall this bill pass the second reading?" was,

On motion of Mr. Chambers,

Postponed until the 4th of July next—Yeas 51

Nays 21

On motion of Mr. Byrd.

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Brummell, Bryan, of N. H., Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dortch, Drake, Faison, Faribault, Foy, Fries, Gatling, Green, of F., Hall, of R., Hargrove, Henry, Hester, Hill, of H., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Lewis, Lyon, McKay, Masten, Moore, of C., Moore, of M., Mordecai, Newby, Norman, Norwood, Purdie, Roney, Scales, Sherrill, Simpson, Smith, Stanford, Thornburg, Waters, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Blount, Bryson, Byrd, Dula, Eller, Fagg, Farrow, Gaither, of D., Gentry, Harrington, Holdscaw, Leffers, Love, Reeves, Ripley, Sanders, Speer, Tomlinson, and Watson.

The following bills, etc., having been duly enrolled, received the signature of the Speaker, viz :

H. 122, an act to encourage the formation of a military company in Wilmington.

H. R. 292, resolution for the repair of the House of Commons.

S. 146, an act to charter the Newbern Light Infantry.

S. 129, an act to encourage the planting of oysters and clams.

S. 148, an act to charter the Raleigh Gaslight Company.

H. 110, an act to restore jury trials to the county courts of Cleaveland.

H. R. 299, resolution in favor of the estate of Chief Justice Nash.

S. 149, an act to amend an act entitled an act to improve the road from Redie's river to the Tennessee line.

S. 147, an act to charter the Tuckasege Turnpike Company.

S. 145, an act to amend the charter of the Keowee Turnpike Company.

S. 130, an act to provide compensation to tax-listers.

H. 14, an act to charter the White Oak Navigation Company.

H. 45, an act in favor of Solomon Klutts.

H. R. 16, resolution in favor of Donald Frazer.

H. 113, an act to grant the consent of the State to the purchase, by the United States, of a lot in Raleigh for a post office.

Mr. Costner gave notice that he should to-morrow move a suspension of the rules, in order that the bill to restore jury trials in Lincoln county may be put upon its final passage.

Mr Scales gave notice of a similar application with regard to the bill charter Graham College.

And then, it beeing 1 o'clock 30m.,

On motion of Mr. Benbury,

The House adjourned.

TUESDAY, JANUARY 4, 1859.

Mr. Bryan, of N. H., presented the memorial of James A. Bunting, and others, opposed to the new county of Lillington. Referred to the committee on private bills.

Mr. Purdie introduced the following :

Resolved, That from and after this day, this House will hold afternoon sessions, commencing at 3 o'clock, P. M.

Laid over under the rule.

Mr. Dortch offered the following :

Resolved, That no bill shall be introduced in this House after the 15th inst.

Laid over one day.

Mr. Dortch offered the following resolution :

Resolved, That a message be sent to the Senate proposing that the two Houses of the General Assembly adjourn *sine die*, on Monday, the 24th inst., at 12 o'clock, M.

The question thereon was put, and

Decided in the negative—Yeas 32

Nays 66

On motion of Mr. Dortch,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Blount, Bullock, Chambers, Dancy, Dortch, Drake, Faison, Farrow, Foy, Gaither, of I., Gatling, Hall, of W., Hargrove, Hester, Hill, of H., Holdsclaw, Lewis, Mordecai, Purdie, Ransom, Roney, Sanders, Scales, Simonton, Smallwood, Speer, Stanford, Stephens, Tomlinson, Wallace, Washburne and Whitfield.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Dickson, Dula, Eller, Fagg, Faribault, Fleming, Fries, Gaither, of D., Gentry, Green, of C., Green, of F., Hall, of R., Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Leak, Leffers, Love, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Newby, Norman, Norwood, Pritchard, Reagan, Ripley, Sherrill, Simpson, Sparrow, Thornburg, Waddill, Walker, Walser, Ward, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Dancy introduced the following, viz :

Resolved, That from and after Wednesday, the 5th inst., the House will hold night sessions, beginning at 7½ o'clock.

Laid over under the rule.

Mr. Caldwell, of B., introduced the following:

Resolved, That from and after the 6th, the House shall meet at 9½ o'clock, A. M., and remain in session until 3½ o'clock, P. M.

Laid over under the rule.

Mr. Caldwell, of G., introduced the following:

Resolved, That the judiciary committee be, and the same are hereby, instructed to enquire into the expediency of so amending the law as to hereafter pay all county and other solicitors of this State fixed salaries, and of having all fines imposed and collected for breaches of the criminal law returned to the public treasurer of the State,

And it was not adopted.

Mr. Walker, from the committee on Cherokee lands, &c., reported,

H. R. 262, Mr. Walker's resolution in favor of John J. Johnson, with the following amendment, viz:

Resolved further, That the payment herein authorized shall be made by the agent of Cherokee bonds in bonds pledged by the act of 1848, for the construction of the Western Turnpike.

With which amendment, he recommended the said resolution do pass.

Mr. Smallwood, from the committee on corporations and currency, reported,

H. 87, Mr. Caldwell's bill to charter the State Improvement and Relief Bank of North-Carolina, with the recommendation that it do pass.

Ordered, That this report be printed.

Mr. Thornburg, from the committee on Cherokee lands, reported

H. 136, Mr. Holdslaw's bill concerning vacant lands, recommending that it do not pass.

Pursuant to notice, the House considered, under a suspension of the rules,

H. 241, Mr. Scales' bill to amend the charter of Graham

Institute; and the question being upon the amendments reported by the committee, they were adopted.

Mr. Benbury offered the following amendment: Strike out all of section 11 after the word "school" in the 11th line; and it was not adopted.

Mr. Benbury offered the following, viz:

Provided, That the said college shall not confer degrees until its endowment shall reach \$300,000,

And it was not adopted; and the bill then passed the second reading.

Pursuant to notice, and under a suspension of the rules,

H. 252, Mr. Costner's bill to restore jury trials in Lincoln county, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

Bills, etc., of the following titles, being introduced, were read, passed the first reading, and referred, as follows, viz:

By Mr. Moore, of Martin: bill (330) to charter the Roanoke Steam Navigation Company. Corporations.

By Mr. Walker: resolution (331) in favor of Lewis Payne, of Cherokee. Cherokee lands &c.

By Mr. Newby: bill (332) for the more effectual suppression of the traffic with slaves. Judiciary.

By Mr. Ransom: bill (333) to establish the Bank of North-Carolina. Corporations and Currency.

By Mr. Whitfield: bill (334) to charter the Lenoir Collegiate Institute. Corporations.

By the same: bill (335) concerning special laws. Judiciary.

By Mr. Bryson: bill (336) to limit the time for bringing certain prosecutions. Judiciary, and ordered to be printed.

By Mr. Fleming: bill (337) to prevent the emancipation of slaves by will. Judiciary.

By Mr. Moore, of Martin: bill (338) and memorial to extend the limits of Williamston. Corporations.

By Mr. Leffers: bill (339) to authorize St. Paul's church at Beaufort to purchase land for a cemetery. Corporations.

By Mr. Foy: bill (340) concerning the registration of deeds for swamp lands. Judiciary.

By Mr. Baird: bill (341) to charter Bascom college in Buncombe. Corporations.

By Mr. Chambers: bill (342) to amend the charter of the Fayetteville & Albemarle Plankroad Company.

By Mr. Walker: resolution (343) in favor of Joshua R. Hall. Cherokee lands, &c.

Bills, etc., of the following titles, were read the second time, and ordered as follows, viz:

H. R. 106, resolution in favor of certain entries of Cherokee lands.

H. 107, bill concerning the powers and duties of registers passed the second reading.

H. 109, bill to create a military and scientific academy. Laid upon the table.

The bill (116) on the subject of poor debtors did not pass the second reading.

The bill (132) to charter the Milton & Yanceyville Junction Railroad Company was,

On motion of Mr. Williams,

Postponed until the 12th of January.

The bill (214) to charter the Goldsboro' Mutual Insurance Company, the amendments proposed by the committee being adopted, passed the second reading.

Bills, etc., of the following titles, being read the third time, passed the third reading, and were ordered to be engrossed and sent to the Senate, or enrolled, viz:

H. R. 38, resolution in favor of A. B. Long.

H. 48, bill to charter Cowee Mining and Manufacturing Company.

H. 49, bill to charter Southern Mining and Manufacturing Company.

H. 51, bill to charter Wa-ye-hutte Mining and Manufacturing Company.

H. 60, bill for the relief of Emily Hooper, of Liberia.

H. 69, bill to charter Potasi Manufacturing Company.

H. 102, bill to abolish jury trials in Cherokee.

H. 158, bill to charter the Wilmington Ocean Steam Navigation Company.

H. 163, bill to authorize county courts of Bertie to levy wharfages.

S. 167, bill to amend the charter of the Tuckasege and Nantahala Turnpike Company.

H. R. 168, resolution in favor of Jas. Connolly.

H. R. 171, resolution in favor of H. N. Britton.

H. R. 172, resolution in favor of R. S. Jones.

H. 174, bill concerning the county court of Duplin.

H. 175, bill to amend the law in relation to fishing in Pamlico and Tar rivers.

H. 176, private bill concerning the county of Franklin.

H. 177, bill to open Catawba river.

H. 184, bill to amend the charter of Lenoir.

H. 193, bill in favor of Wm. Pollock.

H. 194, bill to prevent felling of timber in certain creeks in Rowan.

H. 197, bill to charter the educational society.

H. 198, bill concerning common schools.

S. 199, bill to establish the line between this State and Virginia.

H. 202, bill to charter Davenport Female College.

S. R. 206, in favor of Franklin military school.

S. R. 207, in favor of military schools.

S. 209, bill concerning the distribution of the laws, etc.

H. 212, bill to charter Lincoln Lodge, No. 137, A. Y. M.

H. R. 213, in favor of Polly Pinner.

H. 217, bill to charter Kenansville.

H. 219, bill concerning jurors in Carteret.

H. R. 221, in favor of Wm. J. Brown.

H. 222, bill to charter New River Steamboat Navigation Company.

H. 224, bill to lay off and improve a road in Surry and Wilkes.

H. R. 225, in favor of Elias Barnes.

H. R. 226, in favor of E. D. Nichols.

S. 227, bill to charter Cedar Falls Company.

S. R. 228, in favor of Geo. W. Hampton.

S. 229, bill to charter Elm City Cadets.

S. 230, bill to charter Pamlico Guards.

S. 231, bill to charter a road from Wilkesboro' to Jefferson.

At 1 o'clock 7m., Mr. Baird moved the House do now adjourn; and the question thereon was put, and

Decided in the negative—Yeas, 23

Nays, 72

On motion of Mr. Bryan, of N. H.,

The yeas and nays were ordered; and the following voted in the affirmative, viz:

Messrs. Badham, Benbury, Bridgers, Byrd, Caldwell, of B., Craven, Dickson, Dula, Eller, Fagg, Farrow, Gaither, of I., Hall, of R., Jones, of C., Martin, Meares, Reagan, Scales, Simonton, Speer, Stanford, Waddill and Windley.

And the following in the negative, viz:

Messrs. Baird, Blount, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Dancy, Dortch, Drake, Faison, Faribault, Foy, Fleming, Fries, Gaither, of D., Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, Masten, Moore, of C., Moore, of M., Morehead, Mordecai, Newby, Norman, Norwood, Pritchard, Purdie, Ransom, Ripley, Roney, Sanders, Sherrill, Simpson, Smallwood, Sparrow, Stephens, Tomlinson, Thornburg, Walker, Wallace, Walser, Ward, Washburne, Watson, Whitfield, Wilson, Williams and Woodfin.

On motion of Mr. Speer,

And at 1 o'clock 19m., the House adjourned.

WEDNESDAY, JANUARY 5, 1859.

Mr. Meares presented the memorial of I. C. Smith and others, concerning inspections in Wilmington.

Mr. Hill, of H., from the committee on corporations, to whom had been referred the memorial of J. F. Graves and

others, for a charter to Mt. Airy, asked to be discharged from the further consideration of the subject.

Mr. Hill, from the same committee, to whom had been referred

H. 61, Mr. Whitfield's bill to amend the charter of the town of Kinston, and for other purposes, reported the same with the recommendation that it do pass. Also,

H. 153, Mr. Pritchard's bill to charter the N. C. Military Institute, with the following amendments, viz:

(1.) Strike out all of section 1, after the word "institute" in the 10th line.

(2.) Strike out all of section 3, after the word "conferred" in the 7th line, and add "by institutions of a similar character."

(3.) Strike out all of section 4, after the word "same" in the 3rd line, and add "\$100,000 of the capital stock, together with real estate to the amount of 100 acres of land, shall be exempt from taxation."

(4.) Strike out section 5.

H. 211, bill of Mr. Green, of F., to charter the Portis Gold Mining Company, with the following amendments, viz:

(1.) Strike out all of section 1, after the word "same" in the 14th line, down to the word "and" in the 26th line.

(2.) Strike out sections 2, 3 and 4, and insert as follows: "Said corporation may divide their stock into shares of not less than fifty dollars each, and one of its directors shall be a resident of the State."

H. 192, Mr. Fleming's bill to establish the Bank of Salisbury, with the recommendation that it do not pass. Also,

H. 316, Mr. Bryson's bill to charter the town of Webster. And,

H. 317, Mr. Norwood's bill to charter the University R. R. Company, with the recommendation that they do pass, and without amendment.

The House then considered the resolution introduced and offered by Mr. Purdie, concerning afternoon sessions, on yesterday, and it was not adopted.

The resolution of Mr. Dorth, of yesterday, concerning the introduction of bills, was also considered and rejected.

The resolution of Mr. Caldwell, of B., of yesterday, concerning the morning sessions, being considered,

Mr. Outlaw moved to amend the same by striking out "half-past nine," and inserting "10 o'clock," and it was adopted; and the question recurring, the resolution was not adopted, there being counted yeas 35, nays 57.

The resolution of Mr. Dancy, of yesterday, concerning night sessions, was,

On motion of Mr. Outlaw,

Laid upon the table.

Mr. Hill, of H., introduced the following:

Resolved, That after Tuesday next, the House of Commons will meet at 10 o'clock, A. M., and adjourn at half-past 1, P. M., and meet again at 7, P. M.

Laid over under the rule.

Mr. Dancy introduced the following:

Resolved, That from and after the 7th inst., the House will adjourn at 1½ P. M., and meet again at 3½ o'clock, P. M.

Mr. Williams moved that a message be sent to the Senate, proposing, at 12 o'clock to-day, to proceed to the election of 12 trustees for the University of N. C.; and it was not adopted.

Mr. Ferebee moved that a message be sent to the Senate, proposing, at 12 o'clock to-morrow, to elect 12 trustees for the University; and it was adopted, and the message sent accordingly, there being counted 45 yeas, 35 nays.

Mr. Pritchard moved that a message be sent to the Senate, proposing to print 10 copies of the Governor's inaugural for each of the members.

On motion of Mr. Caldwell, of Burke,

The same was laid upon the table.

By messages from the senate, the House was informed that they concurred in the proposition to proceed, at 12 o'clock to-morrow, to elect 12 trustees for the University, and that Messrs. Williams and Walkup were the Senate branch of the committee to superintend the election; and that the Senate

concurred in the House amendment to the bill for the more speedy distribution of the laws, &c.; and that the Senate branch of the committee on the furniture of the Governor's mansion consisted of Messrs. Edney and Ramsay.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred and otherwise ordered, as follows :

By Mr. Gentry : resolution (H. R. 344) in favor of James N. Long. Claims.

By Mr. Morehead : bill (345) for the relief of Walter A. Winburne.

By Mr. Watters : bill (346) for the better protection of debtors. Judiciary.

By Mr. Sparrow : bill (347) to provide for limited partnerships. Judiciary.

By Mr. Costner : bill (348) to prevent the felling of timber in the South fork of the Catawba river. Propositions and grievances.

By Mr. Fries : bill (349) to charter Winston, in the county of Forsyth. Propositions and grievances.

By Mr. Moore, of C. : bill (350) to charter the Sapona Coal and Iron Company. Corporations.

By Mr. Caldwell, of G. : bill (351) to amend the Revised Code, chapter 60, Inspections. Propositions and grievances.

By Mr. Sparrow : bill (352) for the relief of the fire department in Newbern.

By Mr. Dancy : resolution (H. R. 353) in favor of Henry J. Brown, of Raleigh. Claims.

From the Senate : engrossed bill (354) to prevent fraudulent bidding at judicial sales. Judiciary.

By Mr. Bryan, of N. H. ; bill (355) to charter the Howard Relief Fire Engine Company. Private bills.

Bills, etc., of the following titles, were read the second time, and passed the second reading, viz :

H. 153, to charter the N. C. Military Institute ;

H. 211, to charter the Portis Gold Mining Company ;

H. 215, to charter the Shoal Creek Male Academy ;

S. 232, to charter the Newbern Gaslight Company ;

S. R. 233, in favor of Joseph Marshall ;

S. R. 234, in favor of David Pigott ;

S. 235, for the relief of Joshua Sikes ;

H. 236, to amend the charter of the Yanceyville Plank road Company ;

H. 237, the bill to establish the county of Lillington, being read the second time, and the question put, "shall this bill pass the second reading?" it was

Decided in the affirmative—Yeas 60

Nays 48

On motion of Mr. Hester,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Barbee, Benbury, Bryan, of N. H., Bryson, Burke, Byrd, Chambers, Cox, of J., Cox, of P., Dickson, Eller, Fagg, Faison, Foy, Fries, Gaither, of D., Gardener, Gatling, Gentry, Green, of C., Hall, of R., Harrington, Hill, of S., Higgins, Holdslaw, Kerr, Leffers, Love, McKay, Martin, Meares, Moore, of N. H., Newby, Norman, Norwood, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Speer, Stanford, Stephens, Taylor, Walker, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Windley and Woodfin.

And the following voted in the negative, viz :

Messrs. Badham, Blount, Bridgers, Brummell, Bullock, Burns, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dancy, Dortch, Drake, Dula, Farrow, Ferebee, Fleming, Gaither, of I., Green, of F., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hutchins, Jones, of C., Jones, of O., Leak, Lewis, Lyon, McCotter, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Ontlaw, Ransom, Sanders, Scales, Simonton, Tomlinson, Thornburg, Waddill, Wallace, Walser, and Williams.

H. 269, Mr. Speers bill to abolish the freehold qualification for jurors, was,

On motion of Mr. Whitfield,

Indefinitely postponed—Yeas 51

Nays 43

On motion of Mr. Speer,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bridgers, Bryan, of N. H., Bullock, Burns, Burke, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Green, of F., Hall, of R., Harrington, Henry, Hill, of H., Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Love, Masten, Meares, Moore, of C., Moore, of M., Morehead, Mordecai, Newby, Outlaw, Roney, Sherrill, Simpson, Sparrow, Stanford, Tomlinson, Waddill, Wallace, Whitfield, Wilson and Williams.

And following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp; Cox, of P., Craven, Eller, Fagg, Gaither, of D., Gaither, of I., Gentry, Green, of C., Hargrove, Hester, Higgins, Leak, McCotter, Martin, Morgan, Norwood, Pritchard, Purdie, Reagan, Reeves, Sanders, Shaw, Simonton, Smallwood, Speer, Stephens, Taylor, Thornburg, Walker, Walser, Windley and Woodfin.

Bills entitled as follows, being read the second time, also passed the second reading, or were otherwise disposed of, as follows, viz :

S. 270, to amend the charter of the Okonalufta Turnpike Company ;

H. 271, to authorize the joinder of certain counts in actions at law ;

H. R. 272, in favor of James H. Forbes & Brothers ;

H. R. 274, in favor of E. D. Davis, of Jackson ;

H. 279, to amend an act concerning the Superior Court of Harnett ;

H. R. 283, in favor of James F. Jenkins ;

H. 289, To charter Jonesville Male and Female High School ;

H. 290, to amend Revised Code, chapter 36, Currency, did not pass second reading ;

H. 291, to regulate 92nd regiment N. C. State Militia ;

H. R. 297, in favor of Jas. B. Harding, sheriff of Beaufort county ;

S. 304, to amend the charter of Newton, in Catawba Co. ;

S. 305, To charter Salisbury Gaslight Company ;

S. R. 306, in favor of James A. Vinson ;

S. 307, to charter the Lake Landing Company.

S. 309, the bill for the relief of persons interested in certain records destroyed by fire, having passed the second reading,

On motion of Mr. McCotter,

The rules were suspended, and the bill passed the third reading, and was ordered to be enrolled.

At 1 o'clock, 30m., Mr. Simpson moved the House do now adjourn ; and the question thereon was put, and

Decided in the negative—Yeas 35

Nays 62

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Cox, of J., Craven, Dickson, Dula, Eller, Fagg, Faison, Gaither, of D., Gaither, of I., Gentry, Hall, of W., Harrington, Henry, Jones, of C., Love, Martin, Moore, of C., Newby, Outlaw, Reagan, Reeves, Simonton, Simpson, Speer, Stanford, Waddill, Watson, Wilson and Windley.

And the following voted in the negative, viz :

Messrs. Baird, Barbee, Blount, Bridgers, Bryan, of N. H., Bullock, Burke, Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Dancy, Dortch, Drake, Farrow, Ferebee, Fleming, Foy, Gatling, Green, of C., Green, of F., Hall, of R., Hargrove, Hester, Hill, of S., Higgins, Holdsclaw, Jones, of O., Kerr, Kirby, Leffers, Lewis, Lyon, McCotter, Masten, Meares, Moore, of M., Morehead, Morgan, Mordecai, Norman, Norwood, Pritchard, Purdie, Ransom, Roney, Sanders, Shaw, Sherrill, Smallwood, Sparrow, Stephens, Tomlinson, Thornburg, Walker, Wallace, Walser, Ward, Whitfield, Williams and Woodfin.

Mr. Fleming moved that the House reconsider the vote by

which the bill (107) concerning the powers and duties of registers had been yesterday rejected, and that the question thereon be postponed until to-morrow, the 6th, at 10 o'clock, A. M., and this motion was agreed to.

Mr. Caldwell, of Guilford, gave notice that he would to-morrow move to make the bill (87) to charter the N. C. State Improvement and Relief Bank the special order for the 14th of January, at 11 o'clock, A. M.

On motion of Mr. Reeves,

And at 1 o'clock 42m., the House adjourned.

THURSDAY, JANUARY 6, 1859.

Mr. Fries presented the memorials of E. A. Vogler, and others, praying an amendment of the law relative to the traffic in spirituous liquors.

Mr. Holdsclaw presented the memorial of Goldston Moody, and others, relative to the county seat of Watauga. Referred to the committee on propositions and grievances.

The following reports were presented and received from standing committees, viz:

By Mr. Fleming, from the judiciary committee: H. 88, Mr. Masten's bill to provide for the election of clerks and masters by the people, with a substitute, and asking to be discharged from further action.

By Mr. Hargrove, from the same committee: S. 210, bill to amend Revised Code, chapter 59, section 19, Executions, recommending its passage without amendment.

By Mr. Hill, of Halifax, from the committee on corporations and currency: H. 216, Mr. Flemming's bill to amend the charter of Salisbury, with an amendment, and recommending its passage.

By Mr. Hargrove, from judiciary committee: H. 264, the bill of Mr. Lewis to consolidate the offices of clerk and masters in equity and superior court clerk, with the recommendation that it do pass.

By Mr. Dortch, from the same committee: H. 267, bill to

increase the judges of the supreme court, with a substitute, and recommending its passage.

By Mr. Kerr, from the same committee: H. 276, Mr. Wallace's bill to facilitate the collection of debts, recommending that it do not pass.

By Mr. Caldwell, of Burke, from the same committee: H. 281, Mr. Foy's bill to establish the fees of clerks and masters, recommending it do not pass.

By Mr. Fries, from the committee on finance: H. 302, Mr. Smallwood's bill to increase the Revenue, recommending it do not pass.

By Mr. Dortch, from the judiciary committee: H. 303, Mr. Smith's bill concerning registration and records, recommending it do pass.

By Mr. Hill, of Halifax, from the committee on corporations, &c.: H. 318, Mr. Bryan's bill to amend the charter of the bank of Wilmington, recommending that it do pass.

By Mr. Hill, of Halifax, from the same committee:

H. 320, Mr. Leffers' bill to charter the Beaufort Steamboat Ferry Company, with an amendment striking out section 6, and recommending its passage.

Also, H. 323, Mr. Smith's bill to amend the charter of the Farmer's Bank, recommending its passage.

By Mr. Moore, of Martin, from the same committee:

H. 330, bill to charter the Roanoke Steam Navigation Company, recommending its passage.

By Mr. Kerr, from the committee on the judiciary:

H. 335, Mr. Whitfield's bill concerning special laws, recommending it do not pass.

Also, H. 337, Mr. Fleming's bill to prevent the emancipation of slaves by will, recommending it do pass.

By Mr. Moore, of Martin, from the committee on corporations:

H. 338, bill and memorial to extend the limits of the town of Williamston, with the recommendation that the prayer be granted and the bill do pass.

By Mr. Hill, of Halifax, from the same committee:

H. 339, Mr. Leffers' bill to authorize St. Paul's Church,

in Beaufort, to purchase land for a Cemetery, recommending it do pass.

By Mr. Dortch, from the judiciary committee :

H. 340, Mr. Foy's bill concerning the registration of deeds for swamp lands, recommending it do not pass.

By Mr. Hill of Halifax, from the committee on corporations:

H. 341, Mr. Baird's bill to charter Bascom College in Buncombe county, recommending it do pass.

By Mr. Caldwell, of Burke, from the committee on the judiciary :

H. 346, Mr. Watters' bill for the better protection of debtors, recommending it do not pass.

The following report was received from the special committee upon the executive mansion, through Mr. Dancy :

"The committee appointed to examine the furniture of the executive mansion beg leave to submit the following report :

"That they made a thorough examination of the dwelling and out-houses, and found them in a deplorable condition. Broken chairs, thread-bare carpets, dingy walls, antique specimens of furniture, everywhere meet the eye, and a general air of uncomfortableness pervades the whole mansion. Of the twelve rooms in the House, three only are furnished in a style suited, both on the score of comfort and taste, to the chief magistrate of the State.

"The committee unanimously recommend, first, the selling at auction of all furniture that may be ejected by the present executive—the proceeds arising from such sale to be subject to the order of his excellency in refitting the house ; secondly, the lighting of the mansion with gas, repainting and white-washing, wherever needed ; thirdly, an appropriation of \$2,000, and any unexpended balance on hand, for refurnishing the house.

"Respectfully submitted, &c."

Mr. McKay introduced the following, viz :

Resolved, That the committee on finance be instructed to enquire into the expediency of so amending the law as to allow the different banks of the State to issue five per cent.

on their capital stock in one dollar bills, and five per cent. on their capital stock in two dollar bills. This privilege to be extended to all the banks alike upon their paying into the treasury such tax upon the amount so issued as may be fixed by law; and that they report by bill or otherwise.

And it was adopted.

The House then having under consideration the several resolutions upon the subject of daily and night sessions, introduced yesterday by Messrs. Dancy and Hill,

On motion of Mr. Simpson,

The same were postponed and laid upon the Speaker's table.

Mr. Simpson introduced the following :

Resolved, That from and after Monday next, this House shall meet at 10 o'clock A. M., and adjourn at 2 P. M., and shall meet again at 7 o'clock P. M.

Laid over one day under the rule.

A message was received from his excellency, the governor, by the hands of Graham Daves, Esq., his private secretary, communicating the report of the architect employed to examine the roof and ceiling of the capitol; which being concurred in, was,

On motion of Mr. Dortch,

Sent to the Senate, with a proposition to refer the same to the committee on public buildings.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred, and otherwise disposed of as follows :

By Mr. Morgan : bill (356) concerning public mills. Propositions and grievances.

By Mr. Caldwell, of Burke : bill (357) for the benefit and relief of miners in certain cases. Judiciary.

By Mr. Gentry : bill (358) to extend the time for perfecting titles in certain cases.

By Mr. Thornburg : bill (359) to declare certain parts of Uwharrie river a lawful fence. Propositions and grievances.

By Mr. Dula: bill (360) to alter the line between Burke and Caldwell. Propositions and grievances.

By Mr. Faison: bill (361) to alter and amend the Revised Code, chapter 83, Patrol.

By Mr. Dancy: bill (362) to increase the authority of the commissioners of Tawboro'. Private bills.

By Mr. Norwood: bill (363) to punish usury in certain cases. Judiciary.

By Mr. Leffers: bill (364) to extend the powers of the commissioners of Beaufort, with regard to pilots and pilotage. Propositions and and grievances.

The time for the consideration of the special order for 10½ o'clock, viz: The motion of Mr. Fleming to reconsider

H. 107, Mr. Jones' bill concerning registers, &c.,

Having elapsed, and the time fixed for the consideration of other special orders for this day arrived, the Speaker, under the established practice in such cases, directed the file for special orders for this day to be taken up in the order in which they would have been considered, had they not been displaced by the morning business; and accordingly, at 11 o'clock, the House proceeded to consider the motion of Mr. Fleming to reconsider the vote by which

H. 107, Mr. Jones' bill concerning registers, &c., had been rejected; and the question thereon was put, and, the vote being reconsidered, and the question on the passage of the bill recurring,

On motion of Mr. Jones, of Craven,

The further consideration of the same was postponed, and the bill restored to its place on the calendar of bills for the second reading.

Bills, etc., of the following titles, then being read the second time, passed the second reading, viz:

H. 61, Mr. Whitfield's bill to extend the corporate limits of the town of Kinston;

H. 295, Mr. Jones' bill for the relief of common schools in Orange and Wake;

H. R. 297, Mr. Sparrow's resolution in favor of Jas. B. Harding, sheriff of Beaufort;

- S. 304, to amend the charter of Newton, in Catawba ;
S. 305, to charter the Salisbury Gaslight Company ;
S. R. 306, in favor of Jas. A. Vinson ;
S. 307, to charter Lake Landing Company ;
S. R. 310, in favor of Theo. Schrader ;
S. R. 311, in favor of Sarah A. Johnson ;
S. 312, concerning the sheriff of Cabarrus ;
S. 314, to charter the Long Acre Guards ;
H. 316, Mr. Bryson's bill to charter the town of Webster ;
H. 317, Mr. Norwood's bill to charter the University R. R. Company ;
S. 324, to amend Revised Code, chapter 119, Wills and Testaments ;
S. 325, to amend the laws concerning public roads in Henderson and Buncombe ;
S. 326, to alter the terms of court in Jones ;
S. 327, to amend the Revised Code, chapter 28, section 2, County Revenue and Charges ;
H. 342, Mr. Chambers' bill to amend the charter of the Fayetteville and Albemarle Plankroad Company ;
H. 345, Mr. Morehead's bill for the relief of Walter A. Winburne ;
H. 352, Mr. Sparrow's bill for the relief of the fire department in Newbern.
Bills, etc., of the following titles being read the third time, passed the third reading, viz :
H. 61, Mr. Whitfield's bill to extend the corporate limits of the town of Kinston ;
H. 211, Mr. Green's bill to charter the Portis Gold Mining Company ;
H. 214, Mr. Thompson's bill to charter the Goldsboro' Mutual Insurance Company ;
H. 215, Mr. Walker's bill to charter Shoal Creek Male Academy.
Ordered, That they be engrossed and sent to the Senate.
Also, S. 232, to charter the Newbern Gaslight Company ;
S. R. 233, in favor of Jos. Marshall, of Stanly ;
S. 235, for the relief of Joshua Sikes, of Union.

Ordered, That they be enrolled.

At 12 o'clock, the Speaker directed an election to be held, pursuant to the agreement of the two Houses on yesterday; and the election was held by ballot, pursuant to the charter, for trustees of the University.

The House having resumed the calendar of bills on the third reading,

H. 237, Mr. Moore's bill to establish the county of Lillington being read the third time, the question thereon was put, and

Decided in the negative—Yeas, 51

Nays, 55

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Benbury, Bryan, of C., Bryan, of N. H., Bryson, Byrd, Chambers Costner, Dickson, Eller, Fagg, Faison, Fries, Gardener, Gatling, Gentry, Green, of C., Harrington, Higgins, Holdscaw, Kerr, Kirby, Leffers, Love, McKay, Martin, Meares, Moore, of C., Moore, of N. H., Newby, Norwood, Purdie, Reagan, Reeves, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Stanford, Stephens, Taylor, Waddill, Walker, Ward, Washburne, Watters, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Blount, Bridgers, Brummell, Bullock, Burns, Burke, Caldwell, of G., Clapp, Cox, of J., Cox, of P., Craven, Dancy, Dortch, Drake, Dula, Faribault, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of L., Green, of F., Hall, of R., Hargrove, Hester, Hill, of S., Hutchins, Jones, of C., Jones, of O., Leak, Lewis, Lyon, McCotter, Masten, Moore, of M., Morehead, Morgan, Mordecai, Norman, Outlaw, Ripley, Roney, Sanders, Scales, Simonton, Speer, Tomlinson, Thornburg, Wallace, Walser, Whitfield and Williams.

At 1 o'clock 35m., Mr. Burns moved the House adjourn, and the question thereon was put and

Decided in the negative—Yeas, 11
Nays, 80

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Benbury, Burns, Byrd, Caldwell, of G., Fagg, Gaither, of D., Gaither, of I., Morgan, Speer, Waddill and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Burke, Caldwell, of B., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dortch, Drake, Eller, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Moore, of M., Morehead, Mordecai, Newby, Norman, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Walker, Wallace, Walser, Watters, Whitfield, Wilson and Woodfin.

The House resumed the calendar.

H. 238, Mr. Outlaw's bill concerning the custody of minors passed the third reading and was ordered to be engrossed and sent to the Senate.

H. 242, Mr. Bryson's bill to provide for a railroad survey from some point on the French Broad river, in the county of Buncombe, through Haywood, Macon and Cherokee, to the Tennessee line, being read the third time, and the question put,

Mr. Fagg moved that the same be postponed until the 13th of January next ; and, pending this question,

On motion of Mr. Byrd,

The House, at 1 o'clock 50m., adjourned.

FRIDAY, JANUARY 7, 1859.

Mr. Fleming presented the memorial of Wm. Wilson, and others, of Watauga, opposed to the removal of the county seat. Referred to the committee on propositions and grievances.

Mr. Hill, of Stokes, presented the memorial of B. L. Bitting, and others, of Forsyth and Stokes, for the opening of Town creek. Same committee.

Mr. Moore, of Martin, from the committee on enrolled bills, reported

S. 183, to charter the Buckhorn Iron Mining Company as having been truly enrolled; whereupon, the Speaker signed the same in this House.

Mr. Faison, from the committee on claims, reported

H. 15, Mr. Martin's resolution in favor of L. S. Webb and others, with the recommendation that it do pass.

Mr. Bryan, of Craven, from the same committee, reported

H. R. 159, Mr. Baird's resolution in favor of J. H. Hilliard, with the recommendation that it do not pass.

Mr. Scales, from the same committee, reported

H. R. 220, Mr. Hargrove's resolution in favor of R. J. Mitchell, of Granville, recommending that it do not pass, when,

On motion of Mr. Hargrove,

The bill was referred to the judiciary committee.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 268, to charter Hillsboro' Savings Institute, with the following amendment:

"Strike out sections 2nd and 3rd;" and, so amended, recommend it do pass.

Mr. Dortch, from the judiciary committee, reported

H. 278, Mr. Meares' bill to amend Revised Code, chapter 85, Pilots, with the recommendation that it do pass.

Mr. Scales, from the committee on claims, reported

H. R. 215, Mr. Hall's resolution in favor of Norwood, Parker & Co., recommending that it do pass.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 334, Mr. Whitfield's bill to charter Lenoir Collegiate Institute, with an amendment, and recommended its passage.

Mr. Henry, from the committee on claims, reported

H. R. 353, Mr. Dancy's resolution in favor of Henry J. Brown, and recommended it do pass.

Mr. Henry, from the committee to superintend the election of twelve trustees of the University, reported as follows:

"The undersigned, having been appointed committee to superintend the election of twelve trustees of the University of North Carolina, beg leave to report: That the whole number of votes given was 159,—necessary to a choice, 80; of which upon comparing the votes given, we find that the Hon. JOHN W. ELLIS received 104 votes, and M. W. RANSOM, 95, and that they are therefore duly elected trustees. The remaining names voted for amount to 127, of which no one received a majority of the whole of the votes cast, and therefore there are yet ten more trustees to be elected.

The following ten received the next highest votes in the order following, viz: R. R. BRIDGERS, 79; T. D. McDOWELL, 67; W. N. H. SMITH, 61; S. J. PERSON, 55; TODD R. CALDWELL, 55; J. B. CHERRY, 51; R. L. PATTERSON, 49; CHARLES MALLOY, 48; A. M. SCALES, 47; J. J. JACKSON, 47.

Mr. Ferebee, from the committee on the geological survey, submitted a report in writing, which, being read, was,

On motion of Mr. Dortch,

Ordered to be printed.

Mr. Dortch, from the committee on the judiciary, reported that they had carefully considered the resolution of Mr. Walser, concerning the election of judges by the people, and that it was not expedient.

Mr. Scales, from the committee on claims, reported that they had fully considered the application of Alexander Morrison for a pension, and that of Martha Spears for an increase of pension, and asked to be discharged from the application of Alexander Morrison, and recommended that that of Mar-Spears be granted.

The House then proceeded to consider the resolution submitted yesterday by Mr. Simonton, upon the subject of daily sessions, etc., when

Mr. Outlaw moved to amend the same by striking out the latter clause, so as to make the session extend from 10 A. M., to 3 P. M., and to strike out the night session; and it was agreed to.

Mr. Foy proposed to strike out all after the word "*Resolved*," and insert a resolution submitted by him; and it was not adopted.

The question then recurring upon the resolution, as amended, it was adopted.

The Senate having informed the House of their concurrence in the proposition to raise a joint select committee relative to the repairs of the capitol, and appointed Messrs. Humphrey and Flanner, on their part, the Speaker appointed Messrs. Ransom, Morehead and Love on the part of the House.

On motion of Mr. Norwood,

Resolved, That a proposition be sent to the Senate to raise a joint select committee, consisting of three on the part of the House and two on the part of the Senate, to whom shall be referred the report of the board of internal improvements, with instructions to report by bill or otherwise.

And the message was sent accordingly.

Bills, etc., of the following titles, being read the first time, passed the first reading, and were referred, as follows, viz:

By Mr. Harrington: resolution (H. R. 365) in favor of Martha Spears. Claims.

By Mr. Daney: resolution (H. R. 366) concerning the executive mansion.

By Mr. Martin: resolution (H. R. 367) in favor of Esley Staley. Claims.

By Mr. McKay: resolution (H. R. 368) in favor of Alexander Watson. Claims.

By Mr. Benbury: resolution (H. R. 369) concerning the slave trade.

By Mr. Caldwell, of Guilford : bill (370) to repeal the Revised Code, chapter 79, Ordinaries and Inns.

By Mr. Tomlinson : bill (371) to charter the town of Clayton. Corporations.

By Mr. Stephens : bill (372) concerning land marks. Judiciary.

By Mr. Fries : bill (373) to amend the charter of the town of Salem. Corporations.

By Mr. Hill, of Halifax : bill (374) concerning counterfeit bank notes. Corporations.

By Mr. Hill, of Stokes : bill (375) to prevent obstructions in Town creek. Propositions and grievances.

By Mr. Pritchard : bill (376) to enforce the collection of debts from free negroes. Slaves and free persons of color.

By Mr. Badham : bill (377) to charter Edenton Literary Association.

By Mr. Reeves : bill (378) to declare the Yadkin river a navigable stream.

By Mr. Walser : bill (379) to amend the law of divorce. Propositions and grievances.

H. R. 15, Mr. Martin's resolution in favor of L. S. Martin, and others, passed the second reading.

H. 76, Mr. Stephens' bill to establish a freehold homestead, and for other purposes.

Mr. Outlaw moved a substitute, which was adopted ; and the question recurring " shall the bill pass its second reading ? " the bill was ordered to be printed and passed over informally.

H. 136, Mr. Holdsclaw's bill concerning vacant lands being first amended,

On motion of Mr. Holdsclaw,
So as to confine its operation to the county of Watauga, and the question put " shall this bill pass the second reading ? " was decided in the negative.

H. 178, Mr. Eller's bill to improve the public road between Wilksboro' and Jefferson, passed the second reading.

H. 192, Mr. Fleming's bill to establish the Bank of Salisbury.

Mr. Fleming offered several amendments thereto, which were adopted.

Mr. Simonton offered an amendment, as follows :

"The president and directors of said bank are hereby authorized, empowered and required, within three months after the establishment of the same, to establish in the town of Statesville a branch of said bank, with a capital stock of not less than \$100,000. Said branch bank shall have a president and cashier, who shall be appointed by the president and directors of the said bank of Salisbury, in such manner as may be prescribed by the bye-laws of said corporation: *Provided*, The sum of \$100,000 shall be subscribed to the stock of said bank on the books at Statesville."

Which was adopted.

Mr. Reeves offered the following amendment :

"That whenever the sum of \$50,000 shall have been subscribed, on the part of citizens of the county of Surry, and actually paid in, there shall be a branch of the same established at the town of Mount Airy in the county of Surry."

And it was not adopted.

Mr. Reeves then offered the following as an additional section, viz :

"When the sum of \$75,000 shall have been subscribed in the town of Mt. Airy, and actually paid in as stock in gold and silver, there shall be a branch established at said town in the county of Surry, under the same rules and regulations as are set forth for the government of the principal bank at Salisbury."

And it was adopted.

The question then recurred and was put, viz: "shall this bill pass the second reading?" and

Decided in the affirmative—Yeas, 63

Nays, 46

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Brummell, Bryan, of C., Bryson, Bullock, Burns, Burke, Byrd, Chambers, Clapp, Costner, Cox,

of J., Drake, Dula, Eller, Fagg, Faison, Farrow, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Holdscaw, Higgins, Jones, of C., Kerr, Kirby, Leak, Leffers, Love, Lyon, McKay, Masten, Meares, Morehead, Ransom, Reagan, Reeves, Ripley, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Speight, Thornburg, Waddill, Walker, Wallace, Washburne, Walser, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bridgers, Caldwell, of G., Cox, of P., Craven, Dancy, Dickson, Dortch, Faribault, Ferebee, Fries, Gatling, Green, of C., Green, of F., Henry, Hester, Hill, of H., Hutchins, Lewis, McCotter, Martin, Moore, of C., Moore, of M., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Roney, Sanders, Scales, Smallwood, Smith, Stanford, Stephens, Taylor, Tomlinson, Thompson, Watson, Ward, Watters and Windley.

On motion of Mr. Caldwell, of Guilford,

A message was sent to the Senate, proposing to proceed to the election of ten trustees of the University.

At 1 o'clock 57m., Mr. Dancy moved that the House adjourn,—upon which motion the yeas and nays being ordered, the clerk proceeded with the call, and had called the names of several members, when

The hour for the adjournment arrived, and the House adjourned.

SATURDAY, JANUARY 8, 1859.

Mr. Walker presented the memorial of A. P. Chariker, and others, praying that he may be allowed to retail spirituous liquors without special license; and it was referred to the committee on propositions and grievances.

Mr. Pritchard presented the memorial of Thos. J. Ezley against the practice of carrying dogs to church. Propositions and grievances.

Mr. Jones, of Orange, presented the memorial of P. B.

Ruffin, and others, concerning the Deep River Valley ; which was read.

Mr. Gaither, of Iredell, presented the memorial of Wm. H. Finsterre, and others, opposed to the felling of timber in Big Rocky Creek. Propositions and grievances.

On motion of Mr. Scales,

Resolved, That the use of this hall be granted to the ladies of Raleigh on Tuesday evening next, the 11th instant, for the purpose of hearing a literary lecture from Henry W. Miller.

Mr. Moore, of Martin, from the committee on enrolled bills, submitted the following report :

The committee on enrolled bills have examined, and report that they have been correctly enrolled, and are now ready for ratification :

S. 232, act to incorporate the Newberne Gaslight Company.

S. 227, act to incorporate Cedar Falls Company, in Randolph.

S. 231, act to improve a part of the public road from Wilkesboro' to Jefferson.

S. 230, act to incorporate the Pamlico Guards, in Washington.

S. 235, act for the relief of sureties of Joshua Sikes, dec., late Sheriff of Union county.

S. 229, act to incorporate the "Elm City Cadets," in Newberne.

S. 209, act to provide for a more speedy distribution of the laws and journals of the General Assembly.

S. 199, act to provide for running and marking the dividing line between Virginia and North-Carolina.

S. 167, act to amend an act, entitled "an act to amend an act to incorporate the Nantahala and Tuckasege Turnpike Company.

S. 309, act for the relief of such persons as may suffer from the destruction of the records of Pitt county, occasioned by the burning of the court house.

H. 72, act concerning magistrates in Onslow and other counties.

H. 163, act to authorize the courts of pleas and quarter sessions of Bertie to impose and collect wharfage from all steamboats and other vessels landing or receiving passengers or produce, or merchandize, at the public wharf in Chowan river, near Colerain, in said county.

S. R. 236, resolution in favor of Jas. Marshall, sheriff of Stanly.

S. R. 206, resolution authorizing the Governor to furnish arms to the Franklin Military School, in Duplin county.

S. R. 207, in favor of military schools.

S. R. 228, resolution in favor of Geo. W. Hampton.

Reports from the standing committees were submitted and received as follows, viz:

By Mr. Sparrow, from the committee on internal improvements:

H. 54, Mr. Taylor's bill to charter the Chatham Railroad Company, with the recommendation that the same do pass.

By Mr. Walser, from the committee on propositions and grievances:

H. 150, Mr. Green's bill to prohibit the sale of spirituous liquors to free persons of color, recommending its passage.

H. 156, Mr. Ward's bill to authorize and require the collection of statistics, with the recommendation that the same do not pass.

By Mr. Hill, of Stokes, from the committee on internal improvements:

H. 195, Mr. Stanford's bill to improve the navigation of Black Swamp, and to charter the Black Swamp Navigation Company, recommending its passage.

By Mr. Walser, from the committee on propositions and grievances:

H. 196, Mr. Reeves' bill to charter a road at Fisher's Gap in Surry county, recommending that it do not pass. Whereupon,

On motion of Mr. Reeves,

The bill was recommitted to the same committee.

By Mr. Sparrow, from the committee of internal improvements: H. 254, Mr. Hutchins' bill to charter the Deep River

Coalfields R. R. Company, asking to be discharged from its further consideration.

By Mr. Simpson, from the committee on private bills: H. 301, Mr. Moore's bill and memorial concerning the town of Lillington, in New Hanover, recommending that the same do pass.

By Mr. Walser, from the committee on propositions and grievances: H. 348, Mr. Costner's bill to prevent the felling of timber in certain rivers in Catawba, Lincoln and Gaston; and H. 349, Mr. Fries' bill to charter the town of Winston, in Forsyth, recommending both to the favorable consideration of the House. Also, H. 351, Mr. Caldwell's bill to amend the Revised Code, chapter, 60, Inspections, with the like recommendation.

By Mr. Simpson, from the committee on private bills: H. 355, Mr. Bryan's bill to charter Howard Relief Fire Engine Company, with the recommendation that the same do pass.

By Mr. Walser, from the committee on propositions and grievances: H. 356, Mr. Morgan's bill concerning public mills, with this amendment, viz: Strike out and insert "the counties of Pasquotank and Perquimans," instead of "each county." Also, H. 359, Mr. Thornburg's bill and the memorial to declare certain parts of Uwharrie river a lawful fence. Also, H. 360, Mr. Dula's bill to alter the line between Burke and Caldwell counties, recommending the same do pass.

By Mr. Simpson, from the committee on private bills: H. 362, Mr. Dancy's bill to increase the authority of the commissioners of Tawboro', recommending its passage.

By a message from the Senate, the House was informed that the Senate did not concur in the proposition to raise a joint select committee on the report of the board of internal improvements.

Bills, etc., of the following titles, being introduced, were read, passed the first reading, and were referred or filed as follows, viz:

Mr. Fries, from the committee on finance, reported a bill (H. 380) entitled "Revenue," which was ordered to be printed; and,

On motion of Mr. Hill, of Halifax,

Was made the special order at 10 o'clock 55m., on the 17th January, and so to be continued until finally disposed of.

Mr. Morehead, from the special committee on historical documents, reported a resolution (H. R. 381) concerning historical documents.

By Mr. Walker : resolution (H. R. 382) in favor of Jacob B. Evans. Cherokee lands.

By Mr. Caldwell, of B. : bill (383) relating to criminal trials in Burke. Judiciary.

By Mr. Bryan, of N. H. : bill (384) to charter the Wilmington Water Works. Corporations.

By Mr. Ripley : bill (385) to amend the charter of Henderson. Corporations.

By Mr. Gentry : bill (386) to charter Peach Blossom Mining Company. Corporations.

By Mr. Thompson : resolution (H. R. 387) in favor of Margaret Gardner. Claims.

By Mr. McKay : resolution (H. R. 388) concerning Deep River.

By a message, the Senate proposed to proceed to the joint recommendation of justices of the peace, at a quarter past 12 o'clock this day, but the hour having elapsed,

On motion of Mr. Hill, of Halifax,

The proposition was laid upon the table, and

On motion of Mr. Caldwell, of Burke,

A message was sent to the Senate, proposing to go forthwith into the same recommendation.

The House resumed the calendar.

H. 88, Mr. Masten's bill, providing for the election of Clerks & Masters by the people; the question being upon the substitute already reported, as proposed by Mr. Fleming, (see 6th Jan.) on the part of the Judiciary Committee,

Mr. Lewis moved to amend by striking out all after the title, and inserting

H. 264, the bill to consolidate the offices of Clerk of the Superior Court and Clerk & Master in Equity; when

Mr. Outlaw moved the bill and amendment be indefinitely postponed, and the question thereon was put and

Decided in the negative—Yeas 16

Nays 89

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Bryan, of N. H., Burns, Caldwell, of B., Dancy, Eller, Ferebee, Henry, Kerr, Morehead, Newby, Norman, Outlaw, Smith and Sparrow.

And the following in the negative, viz :

Messrs. Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryson, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dickson, Drake, Dula, Fagg, Faison, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Morgan, Norwood, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Speight Stanford, Stephens, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

The question being upon the amendment of Mr. Lewis was put and

Decided in the negative—Yeas, 34

Nays, 74

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Bridgers, Caldwell, of B., Caldwell, of G., Cox, of P., Dancy, Drake, Dula, Ferebee, Gatling, Green, of F., Hall, of W., Henry, Hill, of H., Hill, of S., Jones, of C., Jones, of O., Kerr, Leffers, Lewis, Love, Martin, Moore, of M., Morehead, Newby, Norwood, Outlaw, Simpson, Spar-

row, Speight, Thompson, Whitfield, Williams and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Chambers, Clapp, Costner, Cox, of J., Craven, Dickson, Eller, Fagg, Faison, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Hargrove, Harrington, Hester, Higgins, Holdslaw, Hutchins, Kirby, Leak, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Morgan, Norman, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Smallwood, Speer, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Wilson and Woodfin.

And the question recurring, Mr. Taylor moved to amend the substitute as follows, viz :

It shall be the duty of the county solicitors to examine the books and records of said clerks and masters, and report to the superior court; which reports shall be entered upon the minute docket, and at least once in each year, wherein it shall be stated whether said books and records are or are not properly kept, and also what monies remain in the hands of said clerks and masters.

Mr. Masten said he accepted the amendment.

The Speaker said he thought the amendment should be passed upon by the House, and that it was not competent for the introducer of the bill to accept it.

Mr. Masten then said he had no objection to the amendment, and it was adopted. The question then recurred upon the substitute, and it was adopted; and, so amended, this bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

By a message from the Senate, the House were informed that the Senate concurred in the proposition to proceed forthwith to the joint recommendation of justices of the peace, and, the Speaker directing it,

The House proceeded immediately to the same in the following manner, viz :

The roll of counties being called alphabetically, lists of persons proposed by the members of the Senate and House for the several counties, so called, to be recommended to the Governor for appointment to that office, were sent up to the desk and read aloud to the House, and severally concurred in, certified by the clerk, and sent to the Senate.

On motion of Mr. Meares,

And at the call of "Brunswick," the reading was dispensed with, and the assent of the House given and ordered to be entered to all such recommendations as were not specially objected to.

After the list from Sampson had reached the desk,

On motion of Mr. Faison,

The name of Wm. Kirby, Jr., was added to the same.

The clerk having reported the call complete,

On motion of Mr. Dancy,

The House resolved itself into a committee of the whole, (Mr. Byrd being in the chair,) when, after some time spent therein, the committee rose, the chairman reported to the Speaker, who announced to the House that the hour for adjournment had arrived. And so,

The House, at 2 o'clock 15m., adjourned.

MONDAY, JANUARY 10, 1859.

The Speaker announced the following committees on enrolled bills, viz: Messrs. Faison, Speer, Gardener, Thornburg and Mordecai.

Mr. Dancy presented the memorial of the North Carolina Agricultural Society, praying an appropriation for their benefit. Referred to the committee on agriculture, and ordered to be printed.

Mr. Ragan presented the memorial of Wm. M. Furguson, and others, in favor of jury trials in the county of Gaston, and of Stephen Traly, and others, opposed to the same; which was referred to the committee on propositions and grievances.

Mr. Williams presented a report from the committee on the Insane Asylum, which, being read, was,

On motion of Mr. Hargrove,

Sent to the Senate with a proposition to print.

Mr. Love, from the committee on internal improvements, reported

H. 32, Mr. Foy's bill to charter a railroad from the Coalfields to Beaufort Harbor, with the recommendation that the same do not pass.

Mr. Smith, from the committee on the judiciary, reported

H. 161, Mr. Bridgers' bill to amend the Revised Code, chapter 42, Entries and Grants, with an amendment, and recommending its passage.

Mr. Love, from the committee on internal improvements, reported

H. 166, Mr. Foy's bill to amend the charter of the Western Railroad to the Coalfields, with the recommendation that the same do not pass.

Mr. Stanford, from the committee on Cherokee lands, reported

H. R. 282, Mr. Love's resolution in favor of certain purchasers of Cherokee lands, with an amendment, and recommended its passage.

The following reports were submitted from the committee on corporations, and received, viz :

By Mr. Moore, of M. : (H. 284) Mr. Morehead's bill to charter the Cambridge Copper Company, with an amendment, and recommended its passage.

H. 285, Mr. Morehead's bill to charter the Steele Gold Mining Company, with amendments, and recommended its passage.

By Mr. Hill, of Halifax : (H. 286) Mr. Morehead's bill to charter the Lizzard Dale Copper Company, with amendments, and recommending its passage.

By Mr. Moore, of Martin : (H. 287) Mr. Morehead's bill to charter the Halsey Mining and Smelting Company, with amendments, and recommending its passage.

By Mr. Thornburg: (H. R. 331) Mr. Walker's resolution in favor of Lewis Payne, recommending its passage.

H. R. 343, Mr. Walker's resolution in favor of Joshua R. Hall, recommending its passage.

Bills, etc., of the following titles being introduced and read, passed the first reading, and were referred, as follows:

By Mr. Sherrill: resolution (H. R. 389) in favor of Alexander Clark. Propositions and grievances.

By Mr. Dickson: resolution (H. R. 390) in favor of Benjamin Justice. Claims.

By Mr. Chambers: resolution (H. R. 391) in favor of Calvin W. Wooley. Claims.

By Mr. Byrd: bill (392) concerning the appointment of justices of the peace. Judiciary.

By Mr. Gaither, of Iredell: bill (393) to prevent the felling of timber in Big Rocky Creek, in Iredell county. Propositions and grievances.

By Mr. Caldwell, of Burke: bill (394) to amend the charter of the Western North Carolina Railroad Company. Ordered to be printed, and referred to the committee on internal improvements.

By Mr. Sparrow: bill (395) to charter the Washington and Leaksville Railroad Company. Ordered to be printed, and referred to the same committee.

By Mr. Dortch: bill (396) to alter the manner of appointing University trustees. Judiciary.

By Mr. Hargrove: bill (397) concerning the deeds of *femes covert*. Judiciary.

By Mr. Speer: bill (398) concerning a public road from Salisbury to New River, near the Virginia line. Internal improvements.

By Mr. Williams: bill (399) to provide for the insane and for other purposes. Ordered to be printed.

By Mr. Ward: bill (400) to charter the Maysville Academy in Duplin. Corporations.

At a quarter past 11 o'clock, the House considered the special order, viz:

H. 92, Mr. Simpson's bill to charter the Greensboro' and

Danville Railroad Company ; the question being, "shall this bill pass the second reading?"

And pending the same, the hour for adjournment arriving, the House adjourned.

TUESDAY, JANUARY 11, 1859.

Mr. Reeves presented the memorial of John M. Kapp, and others, opposed to the felling of timber in Mitchell River. Referred to the committee on propositions and grievances.

Mr. Fries, from the committee on internal improvements, reported the resolution introduced by Mr. Meares, and a bill on the subject, entitled "a bill to regulate the rates of interest;" which was entered on the calender as No. 401.

Mr. Sparrow, from the committee on internal improvements, submitted the following report :

"The committee on internal improvements, to whom was referred the memorial of P. B. Ruffin, and sixty-one other citizens of Orange county, calling the attention of the Legislature to the vast deposits of coal and iron ores, on Deep River, in the counties of Moore and Chatham, to the national and State importance of these deposits, and to the necessity of providing the means of taking them to market ; and, also, asking the Legislature to memorialize Congress, through our Representatives in that body, to establish a National Foundry and Work-shops in the said region, have had the same under consideration and ask leave to report :

"That they fully concur with the memorialists in the importance of securing these very desirable objects. The committee take pleasure in referring to the fact, that measures are now pending in both branches of the General Assembly to accomplish the wishes of the memorialists, and therefore ask to be discharged from its further consideration. All of which, &c."

On motion of Mr. Benbury,

Ordered, That the committee on privileges and elections have power to send for persons and papers.

On motion of Mr. Fries,

Resolved, That the committee on propositions and grievances, to whom were referred sundry memorials from citizens of Forsyth, to curtail the powers of the county court in granting licenses to retail spirituous liquors, be instructed to enquire into the propriety of passing a general law to effect the object had in view by the memorialists, and report by bill or otherwise.

Mr. Faribault introduced the following resolutions :

Resolved, That it is the opinion of this General Assembly, that the government of North-Carolina was established for the equal protection of all the citizens and property within the limits of the State.

Resolved, That the government having been established for the equal protection of all the citizens and all the property within the limits of the State, justice demands that all shall contribute equally to the support of the government, in proportion to the protection enjoyed.

Resolved, That in the collection of revenue for the support of the government, and the payment of the public debt, it is unwise, unjust and inexpedient to discriminate in favor of or against any particular class of persons or any particular species of property, not contemplated by the framers of the constitution.

Resolved, That any system of revenue imposing upon any class of citizens or property more than their equitable share of the burdens of government, is inconsistent with that principle of democratic republican equality upon which the government was established, and without which it could not exist.

Resolved, That the committee on finance are hereby instructed to report a revenue bill upon the principles set forth in the foregoing resolutions.

And the question being thereon, Mr. Outlaw moved the same be laid upon the table ; and the question was put, and

Decided in the affirmative—Yeas, 58

Nays, 34

On motion of Mr. Faribault,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Blount, Bridgers, Bryan, of C., Burns, Burke, Cox, of P., Dancy, Dargan, Dickson, Dortch, Drake, Eller, Faison, Farrow, Ferebee, Foy, Fries, Gardener, Gatling, Gaither, Green, of F., Harrington, Hester, Hill, of H., Hill, of S., Higgins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Long, McCotter, McKay, Martin, Masten, Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Sanders, Sherrill, Simpson, Smallwood, Sparrow, Stanford, Taylor, Tomlinson, Thornburg, Wallace, Ward, Whitfield, Williams and Windley.

And the following in the negative, viz :

Messrs. Baird, Bryson, Bullock, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Dockery, Dula, Fagg, Faribault, Fleming, Gaither, of D., Gentry, Hargrove, Hutchins, Lewis, Leffers, Love, Moore, of C., Mordecai, Pritchard, Purdie, Reagan, Reeves, Ripley, Shaw, Stephens, Walker, Walser, Watters, Wilson and Woodfin.

Mr. Stephens presented a recommendation in favor of certain persons for the appointment of justices in Columbus.

Mr. Williams presented a recommendation in favor of certain persons for the appointment of justices in Caswell.

Mr. Baxter presented a recommendation of certain persons for the appointment of justices in Currituck.

Mr. Whitfield presented a recommendation of certain persons for the appointment of justices in Lenoir.

Each of which, being severally read, were concurred in.

Ordered, That the clerk certify the action of the House thereon to the Senate.

Reports were submitted and received from the following standing committees, viz :

By Mr. Hill, of Halifax, from the committee on corporations and currency : S. 328, the Senate bill to amend the charter of the Bank of Cape Fear, with the unanimous recommendation that section 17 of the amended charter be repealed, and section 3 of the Senate bill do pass. A majority are in favor of the repeal of the 22d section of the amended charter, while

the committee are divided on the remaining provisions of the bill. Also,

H. 374, Mr. Hill's bill concerning counterfeit bank notes, recommending its passage.

H. 384, Mr. Bryan's bill to charter the Wilmington Waterworks, with the following amendment: Strike out "in perpetuity," and insert "ninety years;" and, so amended, recommended the same do pass.

Mr. Hill, of Halifax, moved that bill (380) entitled a bill to raise revenue for the years 1859'-60, be made a special order for the 17th January, at 10 o'clock 55m., and continued from day to day until disposed of.

Mr. Dortch moved to amend by striking out 11 o'clock 55m., and inserting 3 o'clock, P. M.

Mr. Scales moved to amend by inserting 1 o'clock, and it was not adopted; and the amendment of Mr. Dortch not being adopted, the question recurred, and was put and decided in the affirmative.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred and otherwise disposed of as follows:

Mr. Fries, from the committee on finance, reported a bill (401) to regulate the rates of interest.

By Mr. Morehead: resolution (402) in favor of common schools. Committee on historical documents.

By Mr. Walker: resolution (403) in favor of Jno. H. Jones. Cherokee lands.

By Mr. Byrd: resolution (404) in favor of Jesse W. Dickson. Judiciary.

By the same: resolution (405) in favor of Alex. Weisman.

By Mr. Bridgers: resolution (406) for stoves in Commons Hall.

By Mr. Fagg: bill (407) to charter Mars Hill College. Education.

By Mr. Byrd: bill (408) to amend the charter of the Indian Grove Turnpike Company. Judiciary.

By Mr. Bryson: bill (409) to pay jurors in Jackson county.

By Mr. Fries : bill (410) to amend the charter of the Fayetteville and Western Plankroad Company. Corporations.

By Mr. Shaw : bill (411) to charter the Lower Little River and Cane Creek Navigation Company. Internal improvements.

By Mr. Dula : bill (412) to charter the Relief Bank of N. C. Corporations, etc., and ordered to be printed.

By Mr. Lyon : bill and a memorial (413) to charter the Knap of Reeds Masonic Classical School. Private bills.

By Mr. Burke : bill (414) to extend the limits of Taylorsville. Propositions and grievances.

By Mr. Shaw : bill (415) to amend the charter of the Cheraw and Coalfields Railroad Company.

By Mr. Bryan, of Craven : bill and memorial (416) to charter the county of Richlands. Propositions and grievances.

The Senate informed the House that Messrs. Brown, Donnell and Guyther formed the Senate branch of the committee on enrolled bills ; and that they concurred in the proposition to print the report of the committee upon the Insane Asylum. Also, proposing and concurring in certain recommendations of justices of the peace in the counties of Robeson, Mecklenburg, Madison and Davie ; which, being severally approved and concurred in, were sent to the Governor.

The House then resumed the consideration of

H. 92, Mr. Simpson's bill to charter the Greensboro' and Danville Railroad Company ; the question being "shall this bill pass the second reading?"

On motion of Mr. Sparrow,

The House resolved itself into committee of the whole, (Mr. Badham presiding,) for the consideration of the same, and, after some time spent therein, the committee rose, and the Speaker resumed the chair, when Mr. Badham reported that the committee having had under consideration, pursuant to order, House bill (92) to charter the Greensboro' and Danville Railroad Company, had come to no resolution thereon.

On motion of Mr. Norwood,

And at 2 o'clock 15m., the House then adjourned.

WEDNESDAY, JANUARY 12, 1859.

On motion of Mr. Pritchard,

The vote by which the House yesterday concurred in the Senate's recommendations of justices for the county of Mecklenburg, was considered, and Mr. Pritchard had leave to amend the same by adding the names of twelve others; and then the question recurring, the house concurred in the recommendation so amended, and it was ordered to be certified to the Senate.

Mr. Caldwell, of Burke, recommended certain persons for the appointment of justices in the county of Burke, which was, on his motion, approved by the House.

Mr. Dula recommended certain others for Caldwell county, and

Mr. Kerr certain others for Caswell county, which were also approved by the House, and ordered to be certified and sent to the Senate.

Mr. Dargan presented the resignation of John Grady, a justice of the peace for the county of Anson.

The chair ruled that the same is required, by law, to be sent to the chairman of the county court of Anson, and therefore was not in order.

Mr. McCotter presented the memorial of James L. Pard, and others, for the appointment of justices in each captain's district. Referred to the committee on the judiciary.

Mr. Baird presented the memorial of Ephraim Clayton, and others, praying further legislation on the subject of free negroes. Referred to the committee on slaves and free persons of color.

Mr. Dortch moved that H. 28, the bill to secure *femes covert* a separate estate in personalty, be made the special order for the 14th January, at 11 o'clock, and it was not adopted.

Mr. Hill, of Halifax, from the committee on corporations, reported

H. 350, Mr. Moore's bill to charter the Sapona Coal and Iron Company, with the following amendments:

(1) Strike out all of section 1 after the word "company" in the 8th line.

(2) Strike out the words "or which said corporation may deem expedient" in the 3d line of section 2.

(3) Add after the word "directors," in the 2d line of section 4 the words "one of whom shall reside in this State."

(4) Strike out the "ninety-nine," in section 5, and insert "sixty."

Bills, etc., of the following titles were introduced, passed the first reading, and were referred as follows :

By Mr. Reeves : resolution (H. R. 417) in favor of Letty M. Bray. Claims.

By Mr. Morehead : bill (418) to charter the Greene Monument Association.

By Mr. Dockery : bill (419) to authorize and require certain railroad taxes. Ordered to be printed.

By Mr. Leak : bill (420) to require a bond from the sheriff to cover railroad taxes.

By Mr. Reeves : bill (421) to charter the Greenleaf Manufacturing Company.

Mr. Dancy, from the committee on agriculture, submitted a report and resolution (H. R. 422) in favor of the State Agricultural Society.

By Mr. Fleming : resolution (423) in favor of W. A. Walton. Claims.

By Mr. Thompson : bill (424) and memorial to extend the corporate limits of Goldsboro' Corporations.

At 11 o'clock 28m.,

On motion of Mr. Dortch,

The House resolved itself into a committee of the whole, Mr. Badham in the chair, and after some time spent therein, the committee rose and the Speaker resumed the chair, when,

It being 3 o'clock, the hour of adjournment, the House adjourned.

THURSDAY, JANUARY 13, 1859.

The following recommendations were presented, viz:

By Mr. Benbury: the recommendation of several persons for justices in the county of Tyrrell; and

By Mr. Dargan: the recommendation of other persons for justices in the county of Anson,—which were severally concurred in, and ordered to be certified to the Senate.

Reports were submitted on the part of standing committees, and received, as follows:

By Mr. Dortch, from the committee on the judiciary: H. 77, Mr. Jones' bill to amend Revised Code, chapter 31, section 40, Courts, County and Superior, recommending that it do not pass.

By Mr. Kerr, from the committee on the judiciary: H. 162, Mr. Norwood's bill to render unnecessary the use of the word "heirs" to create a fee-simple estate, recommending that it do not pass.

By Mr. Scales, from the committee on claims: H. 170, Mr. Kerr's resolution in favor of John Ward, recommending its passage.

By Mr. Kerr, from the committee on the judiciary: H. 188, Mr. Sparrow's bill to provide against the escape of slaves, with an amendment, and recommending its passage.

H. R. 22, Mr. Hargrove's resolution in favor of R. J. Mitchell, with the recommendation that the same do not pass.

On motion of Mr. Hargrove,

Ordered, That the same be recommitted to the same committee.

By Mr. Baxter, from the committee on propositions and grievances: H. 240, Mr. Holdsclaw's bill to provide for the removal of the county site of Watauge county, recommending its passage.

H. 253, Mr. Reagan's bill to restore jury trials in Gaston county, with the recommendation that the same do pass.

By Mr. Kerr, from the committee on the judiciary: H. 300,

Mr. Dancy's bill to amend Revised Code, chapter 12, Bastard's, recommending its passage.

By Mr. Hill, of Halifax, from the committee on corporations: S. 308, Senate bill to charter the Oak City Savings' Bank, recommending its passage.

By Mr. Fleming, from the committee on the judiciary: (S. 329) bill to amend Revised Code, chapter 7, section 28, Attachments, recommending its passage.

H. 336, Mr. Bryson's bill to limit the time of bringing certain prosecutions, recommending that the same do not pass.

By Mr. Caldwell, of Burke, from the same committee: H. 357, the bill for the benefit of minors, with certain amendments, and recommending its passage.

By Mr. Bryan, of Craven, from the committee on claims: H. R. 367, Mr. Martin's resolution in favor of Esley Staley, recommending its passage.

By Mr. Purdie, from the same committee: H. R. 368, Mr. McKay's resolution in favor of Alexander Watson, recommending its passage.

By Mr. Hill, of Halifax, from the committee on corporations: H. 371, Mr. Tomlinson's bill to charter the town of Clayton, in Johnston county, recommending its passage.

By Mr. Kerr, from the committee on the judiciary: H. 372, Mr. Stephens' bill concerning land-marks, with a substitute, and recommending its passage.

By Mr. Hill, of Halifax, from the committee on corporations: H. 373, Mr. Fries' bill to amend the charter of Salem, recommending its passage.

By Mr. Caldwell, of Burke, from the judiciary committee: H. 383, bill to regulate criminal trials in Burke county, recommending its passage.

By Mr. Hill of Halifax, from the committee on corporations:

H. 386, Mr. Gentry's bill to charter Peach Blossom Mining Company, with amendments, and recommending its passage.

By Mr. Henry, from the committee on claims:

H. R. 390, Mr. Dickson's resolution in favor of Benjamin Justice, recommending its passage.

By Mr. Scales, from the same committee :

H. R. 391, Mr. Chamber's resolution in favor of Calvin W. Wooley, recommending its passage.

By Mr. Fleming, from the committee on the judiciary :

H. 392, Mr. Byrd's bill concerning the appointment of justices of the peace, recommending that the same do not pass.

By Mr. Baxter, from the committee on propositions and grievances :

H. 393, Mr. Gaither's bill to prevent the felling of timber in Big Rocky Creek, in Iredell, recommending its passage.

By Mr. Dortch, from the committee on the judiciary :

H. 397, Mr. Haywood's bill concerning *femes covert*, with the recommendation that the same do not pass.

By Mr. Hill, of Halifax, from the committee on corporations :

H. 400, Mr. Ward's bill to charter the Maysville Academy, in Duplin, with an amendment, and recommending its passage.

By Mr. Fleming, from the committee on the judiciary :

H. 408, Mr. Byrd's bill to amend the charter of the Indian Grave Gap Turnpike Company, with the recommendation that the same do not pass.

By Mr. Hill, of Halifax, from the committee on corporations :

H. 410, Mr. Fries' bill to amend the charter of the Fayetteville and Western Plankroad Company, recommending its passage.

By Mr. Baxter, from the committee on propositions and grievances :

H. 414, Mr. Burke's bill to extend the limits of Taylorsville, with the recommendation that the same do not pass.

By Mr. Dancy : The following report from the committee on agriculture, viz :

The committee on agriculture, to whom was referred the memorial of the executive committee of the North-Carolina agricultural society, praying an additional appropriation for the benefit of said society, beg leave unanimously to submit the following report :

That they have duly considered the contents of the memorial referred to, and at once recognize the propriety of a further appropriation by the State. The North-Carolina agricultural society has now been in existence six years, holding exhibitions annually, and the most obtuse observer cannot have failed to see that they have been productive of much good to the agricultural and mechanical interests of the State. The condition of the society has been such that, at one time, the executive committee had to borrow money, on their individual responsibility, to keep the society alive, and, even now, it is in debt a few hundred dollars to the life membership fund. From its inception to the present, it has had a struggle for existence, and the committee are of opinion that such aid should be extended to it as to relieve it from its present embarrassed condition.

To that end they unanimously recommend a further appropriation of \$1000 per annum.

On motion of Mr. Hill,

The House considered the resolution of the 5th of January, upon the subject of night sessions, as follows:

Resolved, That on and after Tuesday next, the House of Commons will meet at 10 A. M., and adjourn at 2 P. M., and meet again at 7 P. M.

Mr. Hill moved to amend the same by striking out, so as to insert "on and after this day," and it was adopted.

Mr. Byrd moved to amend by striking out "7 P. M." so as to insert "4 P. M."

Mr. Whitfield moved to amend by inserting an adjournment at 3 P. M., and to meet again at 7 P. M., and the question being thereon, and a division called for, the Speaker stated the question first upon the motion to strike out, and,

On motion of Mr. Caldwell of Burke,

The yeas and nays being ordered, Mr. Whitfield withdrew his amendment. The question then being on the amendment of Mr. Byrd, on motion of that gentlemen, the same was amended so as to insert "3 o'clock" for "4 P. M." and the question recurring,

Mr. Outlaw moved the same be laid upon the table, and this question was put and

Decided in the negative—Yeas 47

Nays 64

On motion of Mr. Chambers,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Badham, Baxter, Benbury, Blount, Brummell, Burns, Byrd, Caldwell, of B., Clapp, Cox, of J., Craven, Dancy, Dargan, Eller, Fagg, Ferebee, Foy, Gaither, of I., Green, of C., Harrington, Henry, Holdscaw, Hutchins, Kerr, Leffers, Love, McCotter, McKay, Martin, Meares, Moore, of C., Morehead, Morgan, Newby, Outlaw, Reeves, Scales, Simpson, Sparrow, Speer, Taylor, Thornburg, Waddill, Walser, Watson, Wilson and Windley.

And the following voted in the negative, viz :

Messrs. Baird, Barbee, Bridgers, Bryan, of C., Bryson, Bullock, Burke, Chambers, Costner, Dockery, Dortch, Drake, Dula, Faison, Faribault, Farrow, Fleming, Fries, Gaither, of D., Gardener, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Jones, of C., Jones, of O., Leak, Lewis, Long, Lyon, Masten, Moore, of M., Moore, of N. H., Mordecai, Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Shaw, Sherrill, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Watters, Whitfield, Williams and Woodfin.

So the House refused to lay the question upon the amendment upon the table, and it recurred, and was put and decided in the negative. The question then being upon the adoption of the resolution, Mr. Outlaw asked if it was in order to move the House go into a committee of the whole. The Speaker read the 24th rule, and said that he would hold it was not in order, in the absence of any decision upon the subject in this House.

Mr. Reeves moved that the question be indefinitely postponed, and the question thereon was put and decided in the negative.

The question then being upon the passage of the resolution, as amended by Mr. Hill, was put and

Decided in the affirmative—Yeas 78
Nays 36

On motion of Mr. Tomlinson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bullock, Burke, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dockery, Dortch, Drake, Dula, Faison, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Lewis, Long, Lyon, McCotter, Masten, Moore, of M., Moore, of N. H., Mordecai, Norman, Norwood, Pritchard, Purdie, Reagan, Roney, Sanders, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Benbury, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Clapp, Craven, Dargan, Eller, Fagg, Ferebee, Harrington, Henry, Kerr, Leffers, Love, McKay, Martin, Meares, Moore, of C., Morehead, Morgan, Newby, Outlaw, Reeves, Scales, Sparrow, Speer, Thornburg, Waddill, Walser, Watters and Watson.

Mr. Badham, from the committee on the whole, reported that, pursuant to order, they had had under consideration H. 92, bill to charter the Greensboro' & Danville Railroad Company, up to the hour of adjournment yesterday, without coming to any conclusion thereon ; and in behalf of the committee he asked leave to sit again ; and the question being thereon leave was granted.

The House then resolved itself into a committee of the whole upon the bill, Mr. Badham being in the chair, and at two o'clock, having come to no conclusion thereon, the com-

mittee rose, and the Speaker resuming the chair, Mr. Badham reported progress, when

The hour for the adjournment having arrived, the House adjourned.

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NIGHT SESSION, THURSDAY, JANUARY 13.

H. 92, the bill to charter the Greensboro' and Danville Railroad Company coming up on the calendar for the second reading, and the question being "shall the bill pass?" it was,

On motion of Mr. Ferebee,

Postponed until to-morrow at 11 o'clock.

The House resumed the calendar :

H. 54, Mr. Taylor's bill to charter the Chatham Railroad Company.

Mr. Scales offered an amendment, which was not adopted.

Mr. Hutchins offered an amendment, adding a number of persons as commissioners, which was adopted.

And then the question recurring, "shall this bill pass the second reading?" was put, and

Decided in the affirmative—Yeas, 103

Nays, 6

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Cox, of J., Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Kerr, Kirby, Leak, Leffers, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Pritchard, Purdie, Ransom, Reeves, Ripley, Reagan, Roney, Sanders, Scales, Shaw, Sherrill, Simpson,

Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin

And the following in the negative, viz :

Messrs. Cox, of P., Farrow, Foy, Jones, of O., Meares and Ward.

So the bill having passed, Mr. Fagg moved the rules be suspended, and the bill read and passed the third reading; and it was not adopted.

Mr. Dortch gave notice that he should to-morrow move that the rules be suspended, and his bill, No. 28, concerning estates of *femes covert* be made a special order.

H. 80, Mr. Love's bill to charter the Savannah Mining and Manufacturing Company. The question being upon the amendment proposed by the committee, it was adopted and the bill was read the second time and passed the second reading.

Pending which, and at 8 o'clock, 33m.,

Mr. Watson, by general consent, obtained the floor, moved the House do now adjourn, and the question thereon was put and

Decided in the negative—Yeas 21

Nays 86

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bridgers, Bryan, of C., Craven, Dargan, Dula, Fagg, Gaither, of D., Henry, Jones, of C., McKay, Meares, Morehead, Morgan, Mordecai, Norman, Outlaw, Speer, Stanford, Waddill, Watson and Windley.

And the following voted in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dockery, Dortch, Drake, Eller, Faison, Earibault, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hester,

Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Newby, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Wallace, Walser, Washburue, Watson, Watters, Whitfield, Wilson, Williams and Woodfin.

So, the House having refused to adjourn,

Mr. Fagg offered the following, viz :

Resolved, That the House meet at 10 A. M., on and after Friday next, and adjourn at 3, P. M.

Laid over one day under the rule,

Mr. Outlaw gave notice that he should move an amendment to the rules, so as to provide that from and after the 14th inst., there shall be no debate upon a question concerning adjournment or with reference to the priority of business.

Laid over one day under the rule.

H. 107, the bill of Mr. Bryan, of N. H., to amend the charter of the Wilmington and Manchester Railroad. The question being, "shall this bill pass the second reading?"

Mr. Williams offered an amendment, as follows, viz: strike out section 3rd.

Mr. Byrd offered an amendment to the amendment, as follows, viz: "And that said shares shall not be transferable," when,

It being 9 o'clock, 23m.,

Mr. Caldwell, of Burke, moved the House adjourn, and the question thereon was put, and

Decided in the negative—Yeas, 42

Nays, 68

On motion of Mr. Dancy,

The yeas and nays were ordered; and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Bridgers, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Craven, Dargan, Dockery, Dula, Eller, Fagg, Gaither, of D., Gaither, of I.,

Gentry, Green, of C., Henry, Hill, of S., Holdsclaw, Leak, Lyon, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Morgan, Newby, Outlaw, Pritchard, Reagan, Reeves, Roney, Simpson, Speer, Thornburg, Waddill and Walser.

And the following in the negative, viz:

Messrs. Baird, Baxter, Blount, Bryan, of C., Bryan, of N. H., Bullock, Burke, Chambers, Costner, Cox, of P., Dancy, Dickson, Dortch, Drake, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gardener, Gatling, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Higgins, Hutchins, Kirby, Leffers, Lewis, Long, Love, McCotter, Moore, of M., Mordecai, Norman, Norwood, Purdie, Ransom, Ripley, Sanders, Scales, Shaw, Sherrill, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Walker, Wallace, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

The question then being upon the amendment of Mr. Byrd, it was not adopted.

The amendment of Mr. Williams was then adopted.

Mr. Bryan, of New Hanover, then offered an amendment as a substitute for section 3rd, so stricken out, and it was adopted.

And the question recurred, "shall this bill, so amended, pass the second reading?" and it was put, and

Decided in the affirmative—Yeas 70

Nays 35

On motion of Mr. Waddill,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Caldwell, of G., Costner, Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Eller, Faison, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Harrington, Hill, of H., Hill, of S., Higgins, Jones, of O., Kirby, Leak, Leffers, Long, Love, McKay, Masten, Meares, Moore, of C., Morehead, Mordecai, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Sherrill,

Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Taylor, Waddill, Walker, Ward, Washburne, Watters, Whitfield, Williams and Woodfin.

And following in the negative, viz :

Messrs. Baxter, Blount, Burke, Byrd, Chambers, Cox, of P., Craven, Fagg, Faribault, Farrow, Ferebee, Fleming, Gaither, of D., Gaither, of I., Hargrove, Hester, Hutchins, Lewis, Lyon, McCotter, Martin, Moore, of M., Morgan, Newby, Sanders, Shaw, Speer, Tomlinson, Thompson, Thornburg, Wallace, Walser, Watson, Wilson and Windley.

At 9 o'clock 42m., Mr. Dancy, moved the House adjourn, and the question thereon was put, and

Decided in the negative—Yeas, 14

Nays, 93

On motion of Mr. Waddill,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Burke, Byrd, Dancy, Fleming, Hill, of S., Jones, of O., Roney, Shaw, Sherrill, Smith, Stanford, Thompson and Wallace.

And the following in the negative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Caldwell, of G., Chambers, Costner, Cox, of P., Craven, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Higgins, Holdslaw, Hutchins, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

Mr. Martin moved there be a call of the House, and the question thereon was put and decided in the negative.

Mr. Bryson, thereupon, and at 9 o'clock 56m., moved the House adjourn; and the question thereon was put, and

Decided in the affirmative—Yeas, 54

Nays, 44

On motion of Mr. Waddill,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of G., Costner, Dortch, Eller, Faison, Farrow, Ferebee, Fleming, Fries, Gaither, of D., Green, of F., Hall, of R., Hester, Hill, of H., Hill, of S., Holdsclaw, Hutchins, Jones, of O., Kirby, Leffers, Long, Lyon, McCotter, Morehead, Masten, Mordecai, Norman, Norwood, Sanders, Shaw, Sherrill, Simpson, Smith, Speight, Stanford, Thompson, Walker, Wallace, Washburne, Watters, Whitfield, Wilson and Williams.

And the following in the negative, viz:

Messrs. Baird, Caldwell, of B., Chambers, Cox, of P., Craven, Dickson, Dockery, Drake, Dula, Fagg, Faribault, Foy, Gaither, of I., Gardener, Gentry, Green, of C., Hargrove, Harrington, Higgins, Leak, Lewis, Love, McKay, Martin, Moore, of M., Morgan, Newby, Ontlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Watson, Windley and Woodfin.

And so the House, at 10 o'clock 3m., adjourned.

FRIDAY, JANUARY 14, 1859.

Mr. Dockery presented a recommendation of several persons as justices for the county of Richmond.

Mr. Stephens presented a recommendation for justices in the county of Columbus.

Mr. Walser presented a similar recommendation for the county of Davidson.

Mr. Bryan, of New Hanover, presented the memorial of

John J. Moore, and others, opposed to the county of Lillington. Filed with 301.

Mr. Speer presented the memorial of N. H. Bohanna, and others, in favor of the Relief Bank of North-Carolina.

Mr. Williams, from the joint select committee upon the Wilmington and Manchester Railroad Company, reported as follows :

The joint select committee appointed to investigate the condition of the Wilmington & Manchester Railroad Company, beg leave to make the following report :

They have examined the condition and management of said road, so far as they have been able. From their investigation they find that the road has been constructed and is managed prudently and economically. The company are paying their debts as fast as they fall due. The road is in a good condition, and its prospects very good to pay in a short time a handsome dividend. The directors and president of the road have managed the entire business so far in a manner calculated to promote the best interests of the stockholders and the State. All of which, etc.

Mr. Dortch offered the following resolution :

Resolved, That from and after the 20th inst., no other bill shall be introduced.

Laid over one day under the rule.

Reports were submitted and received from standing committees, as follows, viz :

By Mr. Baxter, from the committee on propositions and grievances :

Mr. Fries' resolution and sundry memorials, upon the subject of the sale of spirituous liquors, asking that they may be discharged from the further consideration of the same.

H. 58, Mr. Caldwell's bill to establish a new county by the name of Mitchell, recommending that it do not pass.

By Mr. Fleming, from the committee on the judiciary :

H. 108, Mr. Kerr's bill for the establishment of the eighth judicial circuit, with amendments, and recommending its passage.

On motion of Mr. Caldwell, of Burke,

Ordered, That the same be printed.

H. 239, Mr. Walker's bill to limit the powers of constables in Cherokee county, with amendments, and recommending its passage.

By Mr. Baxter, from the committee on propositions and grievances :

H. 319, Mr. Walker's bill to establish the county of Hiawasee, recommending that it do not pass.

By Mr. Hill, of Halifax, from the committee on corporations and currency :

H. 333, Mr. Ransom's bill to charter the Bank of North-Carolina, with amendments, and recommending its passage.

By Mr. Baxter, from the committee on propositions and grievances :

H. 416, Mr. Bryan's bill to establish the county of Richlands and the memorial thereon, recommending that the bill do not pass.

The House, pursuant to order, considered the resolution of Mr. Fagg, offered yesterday, at night, and the question being thereon,

Mr. Dortch moved to amend by striking out "10, A. M.," and inserting "9½, A. M.," and it was adopted.

The question being upon the resolution, as amended, was put and

Decided in the affirmative—Yeas 63

Nays 49

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B, Caldwell, of G., Clapp, Craven, Dancy, Dargan, Dickson, Dortch, Eller, Fagg, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of W., Harrington, Henry, Hutchins, Jones, of C., Kerr, Leak, Leffers, Lewis, Love, McCotter, McKay, Masten, Meares, Morehead, Morgan, Mordecai, Newby, Norwood, Ransom, Reagan, Roney, Scales, Simpson, Sparrow, Speer, Taylor, Thompson, Thornburg, Waddill,

Walser, Ward, Washburne, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Blount, Bryan, of C., Bullock, Burke, Chambers, Costner, Dockery, Drake, Dula, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gardener, Hall, of R., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Jones, of O., Kirby, Long, Lyon, Martin, Moore, of C., Moore, of M., Moore, of N. H., Norman, Pritchard, Purdie, Ripley, Sanders, Shaw, Sherrill, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Walker, Wallace, Watters and Watson.

The House then considered the resolution of Mr. Outlaw, of yesterday, and the same was adopted, as follows :

"All propositions as to the time of the daily meetings and adjournments, and all questions as to the order in which bills are to be considered, shall be decided without debate."

And the same was ordered to be added to the standing rules of the House.

Mr. Clapp introduced the following :

Resolved, That from and after Monday next, this House meet at 9½, A. M., and adjourn at 1½, P. M., and meet again at 3, P. M., and adjourn at the pleasure of the House.

Laid over one day under the rule.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred, as follows :

By Mr. Foy : bill (425) to change the time of meeting of the General Assembly. Propositions and grievances.

By Mr. Sparrow : bill (426) to charter the Beaufort and Hyde Steamboat Company. Propositions and grievances.

By Mr. Newby : bill (427) to amend the Revised Code, chapter 30, Descents. Judiciary.

By Mr. Roney : bill (428) concerning Haw River in Alamance. Private bills.

By the same : bill (429) to amend an act of 1854-'5, concerning the same river. Private bills.

By Mr. Lyon : bill (430) concerning county court chairmen. Judiciary.

By Mr. Bryan, of C.: bill (431) concerning free negroes. Propositions and grievances.

By Mr. Baird: bill (432) to charter Leicester in Buncombe county. Corporations.

By the same: bill: (433) to charter the Mechanics and Farmers' Institute. Corporations.

By Mr. Stanford: bill (434) to charter the Kenansville and Warsaw Railroad Company. Internal improvements.

By Mr. Speer: bill (435) to amend the constitution.

By Mr. Pritchard: bill (436) to charter the Stewart Gold Mining Company. Corporations.

By Mr. Baxter: bill (437) to amend an act concerning wild fowl in Currituck. Propositions and grievances.

At 12 o'clock, Mr. Outlaw moved the House resolve itself into a committee of the whole for the further consideration of

H. 92, the bill to charter the Greensboro' and Danville Railroad Company,

And it was adopted—there being counted yeas 45, nays 34.

The House then resolved itself into a committee of the whole upon the subject of the Danville and Greensboro' Railroad, (Mr. Badham presiding,) and after some time spent therein the committee rose, and the Speaker resumed the chair, when Mr. Badham reported that the committee having had the said bill under consideration had come to no resolution thereon.

And it being 2 o'clock 35m., Mr. Hill, of Stokes, moved the House do now adjourn. The Speaker said that there was a standing rule of this House, that the House should adjourn each day at 3 o'clock, and another (rule 38) which requires one day's notice of an intended repeal, alteration or suspension of a standing rule. The motion was, therefore, not competent.

There was no appeal, and the said decision passed as the judgment of the House.

The calendar being under consideration, bills, etc., of the following titles, were read the second time:

H. 162, Mr. Norwood's bill concerning conveyances in fee-simple was,

On motion of Mr. Norwood,
Indefinitely postponed.

H. 165, Mr. Ward's bill concerning statistics was,

On motion of Mr. Hill, of Stokes,
Laid on the table.

H. 166, Mr. Foy's bill to amend the charter of the Western Railroad to the coalfields being read the second time, and the question put "shall this bill pass the second reading?"

Mr. Hill, of Stokes, moved that the same be indefinitely postponed; and the question thereon was put and

Decided in the affirmative—Yeas 89

Nays 14

On motion of Mr. Stanford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Faribault, Farrow, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Leak, Lewis, Long, Love, Lyon, McCotter, Martin, Masten, Moore, of M., Moore, of N. H., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Watters, Whitfield, Wilson and Windley.

And the following in the negative, viz:

Messrs. Baird, Barbee, Fagg, Foy, Gardener, Harrington, Leffers, Meares, Morehead, Ripley, Shaw, Stanford, Ward, Washburne and Woodfin.

H. R., 170, Mr. Kerr's resolution in favor of John Word passed the second reading.

H. 195, Mr. Stanford's bill to improve the navigation of Black Swamp, and to charter the Black Swamp Navigation

Company, being read the second time, and the question put, passed the second reading; when,

It being 3 o'clock, the House adjourned.

SATURDAY, JANUARY 15, 1859.

Mr. Foy presented the memorial of M. Koontz, and others, of Onslow, opposed to the traffic in spirituous liquors at Richlands. Propositions and grievances.

Mr. Caldwell, of Burke, from the committee on the judiciary, reported that they had considered the resolution upon the subject of clerks and masters, and asked to be discharged therefrom,—the subject having already been passed upon by the House.

Reports were submitted and received from standing committees, as follows:

By Mr. Purdie, from the committee on claims:

H. R. 105, Mr. Sparrow's resolution in favor of James Potts, recommending that it do not pass.

Mr. Hargrove, from the committee on the judiciary:

H. 203, Mr. Sparrow's bill to charter the Medical Society of North Carolina, with certain amendments, and recommending the same do pass.

By Mr. Purdie, from the committee on claims:

H. R. 298, Mr. Hutchins' resolution in favor of W. L. Pomeroy, recommending its passage.

By Mr. Caldwell, of Burke, from the committee on the judiciary:

H. 332, Mr. Newby's bill to suppress the traffic with slaves; with a substitute, and recommending the same do pass.

H. 358, Mr. Gentry's bill to extend the time for perfecting titles in certain cases, with the recommendation that the same do pass.

By Mr. Baxter, from the committee on propositions and grievances:

H. R. 389, Mr. Sherrill's resolution in favor of Alexander Clark, recommending its passage.

H. R. 423, Mr. Fleming's resolution in favor of W. A. Walton, recommending its passage.

By Mr. Hill, of Halifax, from the committee on corporations :

H. 424, Mr. Thompson's bill to extend the limits of Goldsboro', with the recommendation that the same do pass.

By Mr. Caldwell, of Burke, from the committee on the judiciary :

H. 427, Mr. Newby's bill to amend Revised Code, chapter 30, Descents, with the recommendation that the same do not pass.

The House then considered the resolution of Mr. Dortch, of yesterday, concerning the order of business and introduction of bills.

Mr. Caldwell, of Burke, moved the same be amended so as to strike out "20," and insert "24th January," and the question being thereon, was put and decided in the affirmative.

And the question recurring, Mr. Byrd moved the same be indefinitely postponed ; and the question thereon was put and

Decided in the negative—Yeas, 46

Nays, 50

On motion of Mr. Dortch,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Craven, Fagg, Faribault, Ferebee, Gaither, of D., Green, of C., Hall, of R., Harrington, Henry, Higgins, Kerr, Leak, Leffers, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Outlaw, Pritchard, Purdie, Reeves, Ripley, Simpson, Sparrow, Speer, Taylor, Thornburg, Waddill, Walser, Watters, Wilson and Windley.

And the following in the negative, viz :

Messrs. Badham, Baxter, Blount, Bridgers, Bryan, of N. H., Bullock, Chambers, Costner, Dancy, Dockery, Dortch, Eller, Farrow, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of W., Hargrove, Hester, Hill, of H., Hill, of S., Holdscaw, Kirby, Lewis, Long, Lyon, Moore

of M., Moore, of N. H., Morgan, Newby, Norman, Reagan, Sanders, Shaw, Sherrill, Simonton, Smallwood, Speight, Stephens, Tomlinson, Thompson, Walker, Wallace, Washburne, Watson and Woodfin.

So the question was not postponed; and it recurred, when Mr. Outlaw moved to strike out all after the word "Resolved," and insert, "That a message be sent to the Senate, proposing that both Houses of the General Assembly adjourn the 10th February next, *sine die*".

And the same was adopted; and the question then recurring upon the resolution, as amended, it was not adopted.

The House then considered Mr. Clapp's resolution concerning the daily sessions of the House.

Mr. McKay moved the same be indefinitely postponed, and the question thereon was put, and

Decided in the negative—Yeas 51

Nays 56

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Brummell, Bullock, Burns, Caldwell, of B., Caldwell, of G., Chambers, Craven, Dancy, Dockery, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Gaither, of D., Gaither, of I., Gardener, Green, of C., Hall, of W., Henry, Hill, of S., Hutchins, Jones, of C., Kerr, Leak, Love, McKay, Morehead, Morgan, Mordecai, Newby, Norwood, Outlaw, Pritchard, Reagan, Reeves, Scales, Shaw, Simonton, Sparrow, Speer, Speight, Thornburg, Walker, Watters, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bryson, Burke, Byrd, Clapp, Costner, Dickson, Dortch, Farrow, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Higgins, Holdclaw, Jones of O., Kirby, Leffers, Lewis, Long, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Norman, Purdie, Ripley, Sanders, Sherrill, Simpson, Smallwood, Stephens, Taylor, Tomlinson, Thompson,

Waddill, Wallace, Walser, Washburne, Watson and Whitfield.

So the House refused indefinitely to postpone, and the question recurred, when Mr. Ferebee asked whether, as the resolution proposed the repeal of a standing rule, it did not require two-thirds voting in the affirmative? The Speaker reserved the point until a question thereon arose. The question then being put on the passage of the resolution, and a division called for, there were counted yeas 50, nays 43.

The Speaker said the rules of the House required two-thirds to the passage of the resolution, and it was not adopted. And no appeal being taken, the decision of the chair passed as the judgment of the House.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred as follows, viz:

By Mr. Lewis: bill (438) to charter Wilson Female Seminary. Education.

By Mr. Holdsclaw: bill (439) concerning 107th Regiment North-Carolina militia.

By Mr. Watson: bill (440) to provide a tax collector for Robeson county. Propositions and grievances, and withdrawn.

By Mr. Gaither, of Davie: bill (441) to amend the charter of the North-Carolina and Virginia Railroad Company. Propositions and grievances.

By Mr. Fries: bill (442) to charter Salem Mutual Insurance Company. Corporations.

By Mr. McKay: bill (343) to charter the Fayetteville Savings bank. Corporations and currency.

By Mr. Fries: bill (444) to alter the terms of the county court of Forsyth. Propositions and grievances.

By Mr. Bryan, of New Hanover: bill (445) for the protection and better regulation of seamen in the port of Wilmington. Judiciary.

By Mr. Watters: bill (446) to extend the time for delivering the tax lists in the county of Cleaveland. Propositions and grievances.

By Mr. Bridgers: bill (447) to prevent obstructions to the passage of fish in Swift creek. Private bills.

On motion of Mr. McKay,

The House resolved itself into committee of the whole upon the bill to charter the Greensboro' and Danville Railroad Company, (Mr. Badham being in the chair.) And after some time spent therein, the committee rose, and the Speaker resuming the chair, Mr. Badham reported that the committee had had the said bill under consideration, and had come to no resolution thereon, and asked to be discharged from its further consideration,—which being so ordered, the Speaker stated the question to be upon the passage of the bill the second reading, and the same being put, was

Decided in the negative—Yeas, 37

Nays, 65

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Brummell, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Gentry, Hall, of R., Harrington, Hill, of S., Higgins, Holdscaw, Kerr, Martin, Morehead, Pritchard, Reagan, Ripley, Shaw, Sherrill, Simonton, Simpson, Speer, Walker, Wallace, Walser, Washburne, Watson, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of N. H., Bullock, Burns, Burke, Craven, Dancy, Dickson, Dockery, Dortch, Drake, Faribault, Farrow, Ferebee, Foy, Fries, Gatling, Green, of C., Green, of F., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Lewis, Long, Love, Lyon, Masten, McCotter, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Sanders, Scales, Smallwood, Sparrow, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Ward, Watters, Whitfield and Wilson.

Mr. Reeves paired off with Mr. Cox, of Jones.

Mr. Dargan paired off with Mr. Faison.

Mr. Fleming paired off with Mr. Bryan, of Craven.

By a message from the Senate, the House were informed that Mr. J. W. Alspaugh had been appointed assistant clerk of the same, in place of Mr. Quentin Busbee, resigned. Also, proposing to hold an election for 10 trustees of the University, at one-quarter to 11 o'clock, on Tuesday next; and the question being thereon, it was not concurred in, there being counted yeas 40, nays 46.

Mr Martin moved that a message be sent to the Senate, proposing to proceed forthwith to elect the said trustees.

Mr. Bryan, of New Hanover, moved that the same be laid upon the table, and it was not adopted.

The question then being on the motion of Mr. Martin, it was adopted.

The House resumed the calendar, when a bill of the following title, which had been reconsidered, viz :

H. 237, to establish the county of Lillington, being read the third time, and the yeas and nays ordered,

On motion of Mr. Clapp,

Was informally passed over.

At 1 o'clock 57m., Mr. Bryan of New Hanover, moved the House do now adjourn.

The Speaker decided the motion not in order, and from this decision Mr. Bryan, of New Hanover, appealed. And the question being "shall the decision of the chair stand as the judgment of the House?" it was put, and

Decided in the affirmative—Yeas 97

Nays 2

On motion of Mr. Bryan, of New Hanover,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Brummell, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Eller, Fagg, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Har-

grove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Wallace, Walser, Ward, Washburne, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Bryan, of N. H., and Waddill.

H. 58, The bill of Mr. Caldwell, of Burke, to establish the county of Mitchell. The question being "shall this bill pass the second reading?"

On motion of Mr. Chambers,

The same was indefinitely postponed.

H. 240, Mr. Holdsclaw's bill to provide for the removal of the county seat of Watauga was read the second time, and the question being upon the amendments of the committee of propositions and grievances, they were adopted. And the question being "shall this bill pass the second reading?"

Mr. Caldwell, of Burke, offered an amendment referring the question to the people of Watauga county; and the question thereon was put and

Decided in the negative—Yeas, 30

Nays, 62

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Burns, Caldwell, of B., Caldwell, of G., Chambers, Craven, Dargan, Dockery, Eller, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Harrington, Henry, Leak, McCotter, Martin, Meares, Morgan, Outlaw, Purdie, Ripley, Sanders, Sparrow, Speer, Stephens, Thornburg and Windley.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan,

of N. H., Bryson, Burke, Byrd, Costner, Dancy, Dickson, Drake, Dula, Fagg, Farrow, Fleming, Foy, Fries, Gardener, Green, of F., Hall, of R., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Kerr, Kirby, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Newby, Norman, Norwood, Pritchard, Ransom, Reagan, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Tomlinson, Thompson, Waddill, Walker, Ward, Washburne, Watters, Watson, Wilson and Woodfin.

So the amendment was not adopted. And the question recurring,

The hour for adiournment arrived, and, pending the question, the House adjourned.

MONDAY, JANUARY 17, 1859.

Mr. Outlaw moved that the vote, by which

H. 92, the bill to charter the Greensboro' and Danville Railroad Company had been rejected, be reconsidered, and the same was adopted. The question recurring,

Mr. Outlaw moved to amend as follows :

"Be it further enacted, If the said railroad shall connect with any railroad in Virginia, it shall be a forfeiture of the charter hereby granted, and this or any subsequent Legislature shall have the power to repeal it."

And this amendment was adopted, and, so amended, the bill passed the second reading.

Ordered, That it be referred to the committee on internal improvements.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Gatling, Morgan, Sherrill, Costner and Craven.

Mr. Thompson presented the memorial of John Wright, and others, in favor of extending the corporate limits of Goldsboro'.

Mr. Thompson presented the recommendation of sundry

justices for the county of Wilson. Approved, and ordered to be certified to the Senate.

Mr. Simonton presented the recommendation of certain other justices for the county of Iredell. Approved and ordered to be certified to the Senate.

Mr. Bullock introduced the following:

Resolved, That on and after Wednesday next, the House of Commons, in addition to the present morning session, will meet again at 7, P. M., and adjourn at 9, P. M., unless it shall be the pleasure of the House to continue longer in session, and in the evening session will take up the regular calendar.

Laid over one day under the rule.

Messages were received from the Senate, transmitting certain engrossed bills, with amendments, in which they asked the concurrence of the House. The House concurred therein.

The Speaker laid before the House a communication, in writing, from the Speaker of the Senate, concerning an error in the enrolled act entitled "an act to provide for the more speedy distribution of the laws and journals," as follows:

SENATE CHAMBER, Jan. 15, 1859.

Mr. Speaker: It appears, by an examination of the "act to provide for a more speedy distribution of the laws and journals," which has been enrolled and signed by the Speakers, that an amendment was made in the House of Commons, and concurred in by the Senate, by striking out the word "thirty" and inserting "fifty"—which amendment appears on the engrossed bill, as adopted by the House and concurred in by the Senate. And it appears that said amendment has been omitted in the enrolled bill.

The Senate herewith return the said enrolled bill to the House of Commons, and ask that it may again be referred to the joint committee on enrolled bills, and, after being properly corrected and enrolled, be returned to the House of Commons and Senate to receive its proper ratification.

HENRY T. CLAK,

JOHN HILL, C. S.,

Speaker of the Senate.

The proposition was concurred in.

The Senate also proposed to empower the committee on the North-Carolina railroad investigation to send for persons and papers; and it was concurred in.

Reports were submitted and received from standing committees, as follows :

By Mr. Scales, from the committee on claims :

H. 246, in favor of William H. Gilliam, of Granville, recommending that the same do not pass.

By Mr. Thornburg, from the committee on Cherokee lands:

H. R. 403, Mr. Walker's resolution in favor of John H. Jones, recommending its passage.

By Mr. Hargrove, from the committee on judiciary :

H. 430, Mr. Lyon's bill concerning the chairmen of county courts, with a substitute, which they recommended do pass.

A bill of the following title was introduced, and referred as follows, viz :

By Mr. Bryson : bill (448) to alter the line between Jackson and Henderson, accompanied by a memorial. Propositions and grievances.

The House then concluded the special order, viz : The bill from the committee on finance, (380) entitled the "Revenue bill for the years 1859-'60."

The question being "shall this bill pass the second reading?"

On motion of Mr. Benbury,

Ordered, That in considering the revenue bill, the bill be read and amended, section by section, and then put to the vote as a whole.

The following proceedings were thereupon had, viz :

Sec. 1. Read and adopted.

Sec. 2. Read and adopted.

Sec. 3. Read, and the question put, when Mr. Byrd moved the same be indefinitely postponed ; and it was not adopted.

Mr. Baird moved the same be postponed until Tuesday, the 1st February next ; and the question thereon was put, and

Decided in the negative—Yeas 24

Nays 74

On motion of Mr. Chambers,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Fagg, Gaither, of D., Gaither, of I., Gardener, Holdsclaw, Kerr, Leffers, McKay, Martin, Meares, Moore, of C., Ripley, Simonton, Speer, Taylor, Waddill, Watters and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baxter, Benbury, Blount, Bryan, of N. H., Bullock, Burns, Burke, Chambers, Clapp, Costner, Craven, Dancey, Dargan, Dickson, Dockery, Dula, Eller, Fari-
bault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Gentry, Green, of C., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Lewis, Lyon, McCotter, Masten, Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Speight, Stephens, Tomlinson, Thompson, Thornburg, Walker, Walser, Ward, Washburne, Watson and Windley.

The question recurred, when Mr. Fagg offered an amendment, as follows :

Strike out all after the word "enhanced," in section 3, line 7, down to "land" in line 9.

Mr. Caldwell, of G., moved to amend the same by inserting, after the word "exist," in line 6, "which may be worked or available;" and it was not adopted.

The question then being upon the amendment of Mr. Fagg was put, and

Decided in the negative—Yeas	7
Nays	90

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Caldwell, of B., Fagg, Speer, Waddill, Watters and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baxter, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Henry, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Ward, Watson, Wilson and Windley.

Section 3 was then adopted.

Sections 4, 5 and 6. Read and adopted.

Section 7 read, and Mr. Fagg offered the following amendment, viz :

Strike out "at the discretion of the court," and insert "not less than one dollar nor more than five;" and it was not adopted. The section was then adopted.

Section 8. Read, and Mr. Byrd moved the same be stricken out ; and it was not adopted. The section was then adopted.

Section 9. Read and adopted.

Section 10. Read, and Mr. Byrd moved the same be stricken out, and it was not adopted ; and the section passed.

Sections 11 and 12. Read and passed.

Sections 13. Read, and Mr. Ward moved to strike out sections 11 and 12. The Chair ruled the motion not in order upon this reading, without a motion to reconsider. The sections proposed to be amended had already passed, and the question was upon the adoption of section 13. This question was then put and the section adopted.

Section 14. Read and adopted.

Section 15. Read and adopted.

Section 16. Read, and Mr. Ward moved to strike the same out ; and it was not adopted.

Mr. McKay moved to amend by striking out "April," in the 10th line, and inserting "February;" and it was not adopted. The section then passed.

Section 17. Read and passed.

Section 18. Read, and Mr. Ward moved the same be stricken out ; and the question thereon was put and

Decided in the negative—Yeas 14

Nays 78

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryson, Bullock, Byrd, Caldwell, of B., Fagg, Gaither, of L., Green, of C., Hall, of W., Hargrove, Lyon, Moore, of C., Ripley and Ward.

And the following in the negative, viz :

Messrs. Badham, Baxter, Benbury, Blount, Brummell, Bryan, of N. H., Burke, Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dargan, Dockery, Drake, Dula, Eller, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Gentry, Hall, of R., Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Kerr, Kirby, Leak, Leffers, Lewis, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Sanders, Scales, Shaw, Sherrill, Simonton, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Watson, Wilson, Windley and Woodfin.

The section (18) then passed.

Sec. 19. Read, and Mr. Walser moved the following amendment, viz : Insert the words "justices of the peace or freeholders," in the 4th line, and it was adopted, and the section passed.

Secs. 20 and 21. Read and adopted.

Secs. 22, 23, 24, 25, 26 and 27. Read and adopted.

Sec. 28. Read, and the question sub-divided, and the question put on clause 1, when

Mr. Newby offered the following amendment, viz: Strike out "20," and insert "18," in the 2nd line; and the question being thereon,

On motion of Mr. Chambers,

The question was again divided, and first put on the motion to strike out; and it was not adopted.

Mr. Benbury moved to strike out the same clause, and insert, and it was ruled out of order, the Speaker holding that the House having already refused to strike out, that vote would have first to be reconsidered.

Mr. Caldwell, of Burke, moved to amend by striking out the words "entries on lands," and it was not adopted. The clause (1) then passed.

Clause 2 being read, Mr. Ferebee moved to strike out "eighty," and insert "sixty-six and two-thirds."

Mr. Chambers moved to amend this amendment by striking out "sixty-six and two-thirds," and inserting "fifty-five;" and it was not adopted.

Mr. Benbury moved to amend the same amendment, by striking out " $66\frac{2}{3}$ " and inserting "73," so as that clause shall read "seventy-three" instead of "eighty."

Mr. Caldwell, of Guilford, moved to strike out "eighty" and insert "one hundred."

The chair put the question first on the motion to strike out, (a division thereof being demanded by Mr. Badham,) and it was

Decided in the negative—Yeas 30

Nays 69

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Benbury, Blount, Brummell, Bryson, Bullock, Byrd, Caldwell, of G., Chambers, Clapp, Dargan, Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Gardener, Hargrove, Harrington, Hester, Lyon, Martin, Meares, More-

head, Reeves, Simonton, Speer, Watson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baxter, Bryan, of N. H., Burns, Burke, Costner, Craven, Dancy, Dickson, Dockery, Drake, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Gentry, Green, of C., Hall, of R., Hall, of W., Henry, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, McCotter, McKay, Masten, Moore, of C., Moore, of M., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters and Wilson.

The Speaker decided that this also disposed of the amendments, and

Clause 3 being read, and the question put thereon, Mr. Speer offered the following amendment, viz :

After the word "bridge," in the 1st line, insert "twenty dollars," and after the word "highway," strike out "fifteen," and insert "ten."

Mr. Caldwell, of Burke, offered the following, viz :

On every toll gate on a turnpike road, and upon every toll bridge, ten per cent. on the total receipts of tolls during the year; and the question being first upon the amendment to the amendment, it was not adopted. And then the amendment was rejected.

Mr. Bryan offered the following amendment, viz :

Provided, That no toll gate or bridge shall be taxed, in which the State has any interest.

And it was not adopted.

Mr. Meares offered the following :

After the word "bridge," insert "five per cent. upon the gross receipts;" and it was adopted. And the clause, so amended, then passed,—there being counted yeas 46, nays 16.

Clauses 3, 4 and 5 were read and passed.

Clause 6 being read, Mr. Craven moved to strike out "four" and insert "five," in the last line; and it was not adopted.

Clause 7 being read, Mr. Caldwell, of Guilford, offered the following :

Provided, That all such stock as does not realize five and a half per cent. be exempted from taxation; and it was not adopted. The clause then passed.

Clause 8 read and passed.

Clause 9 read, and Mr. Baird offered the following amendment, viz :

Strike out "one-half of one per cent." and insert "one per cent.;" and it was adopted.

Mr. McKay offered the following :

Strike out the word "purchasers" and insert "profit" in the 4th line; and it was not adopted.

Mr. McKay then moved to strike out the entire clause, and it was not adopted.

Clauses 10 and 11 were read and adopted.

Clause 12 read, and Mr. Craven offered the following amendment :

Strike out "twenty-five dollars" and insert "fifty;" and it was adopted.

Mr. Henry moved the following amendment: Strike out the word "one" in the 3rd line, and insert "half of one per cent.;" and it was not adopted. The clause then passed.

Clause 13 being read, Mr. Speer offered the following amendment: After the word "keys," insert "finger rings and breast-pins;" after the word "than" in the 3rd line strike out "twenty;" and it was not adopted—there being counted yeas 34, nays 35. The clause then passed.

Clause 14 read, and Mr. Walser offered the following amendment: Strike out "one dollar and fifty cents on piano" and insert "one per cent on its value;" and it was not adopted.

Mr. Stephens offered the following amendment, viz : "On all gold watches in use one dollar and fifty cents; on all silver watches in use fifty cents; every harp in use two dollars and

fifty cents ; every piano in use one dollar and fifty cents ;” and it was not adopted.

Mr. Windly offered the following :

“On every gold and silver watch in use one per cent, on its value ;” and it was not adopted.

Clause 15 then being read, Mr. Sparrow offered the following amendment ;

Strike out of line 3, the words “one dollar and twenty-five cents,” and insert the words “five dollars” in lieu thereof ; and the question being thereon, and the yeas and nays ordered,

The hour for the adjournment arrived, and the House adjourned.

TUESDAY, JANUARY 18, 1859.

Reports were submitted and received from standing committees as follows :

By Mr. Sparrow, from the committee on internal improvements :

H. 92, the substitute for the bill to charter the Greensboro’ & Danville Railroad Company, recommending its passage.

By Mr. Badham, from the committee on fishing interests :

H. 249, Mr. Norman’s bill to regulate fishing in Pamlico, Croatan, Hatteras and other inlets, recommending that it do not pass.

By Mr. Hill, of Stokes, from the committee on internal improvements :

H. 280, Mr. Ward’s bill to authorize the consolidation of certain railroad companies, recommending that it do not pass.

By Mr. Baxter, from the committee on propositions and grievances :

S. 313, to amend the charter of the Fairfield Canal Company, with amendments, and recommending that the same do pass.

H. 379, Mr. Walser’s bill to amend the law of divorce, recommending that it do not pass.

By Mr. McKay, from the committee on internal improvements :

H. 395, Mr. Sparrow's bill to charter the Washington and Leaksville Railroad Company, recommending its passage.

H. 394, Mr. Caldwell's bill to amend the charter of the Western North-Carolina Railroad Company, recommending its passage.

By Mr. Baxter, from the committee on propositions and grievances :

H. 425, Mr. Foy's bill for changing the time of meeting of the General Assembly, recommending its passage.

H. 426, Mr. Sparrow's bill to charter the Beaufort and Hyde Steamboat Company, recommending its passage.

H. 440, Mr. Watson's bill to provide a tax collector for Robeson county, with the recommendation that the same do not pass ; whereupon,

On motion of Mr. Watson,

He had leave to withdraw the same from the files.

By Mr. Hill, of Hilifax, from the committee on corporations :

H. 442, Mr. Fries' bill to charter the Salem Mutual Insurance Company, recommending its passage.

Mr. Baxter, from the committee on propositions and grievances :

H. 444, Mr. Fries' bill to alter the terms of Court in Forsyth county, recommending its passage.

Also, the memorial of several citizens of Mecklenburg county, concerning dogs, etc., asking to be discharged.

Also, several memorials from citizens of Madison county, praying to be attached to Yancy county, asking to be discharged.

These latter memorials, on motion of Mr. Fagg, were ordered and authorized to be withdrawn from the files, and handed to him by the clerk.

Also, the memorial of A. P. Chariker, and others, praying a license for him to retail spirituous liquors all over the State, asking to be discharged from the further consideration of the same.

The House considered the resolution of Mr. Bullock, introduced yesterday, concerning night sessions, and the question thereon was put, and

Decided in the affirmative—Yeas	74
Nays	30

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Baxter, Blount, Bridgers, Bryan, of C., Bullock, Burke, Chambers, Clapp, Costner, Cox, of P., Dickson, Dockery, Dortch, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Norman, Pritchard, Purdie, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Ward, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Benbury, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Craven, Dancy, Dargan, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Gatling, Henry, Kerr, Leak, Love, Mordecai, Newby, Norwood, Outlaw, Reeves, Sparrow, Speer and Waddill.

So, the resolution was adopted.

Bills, etc., of the titles following, were introduced, passed the first reading, and were referred, or filed without reference, as follows:

By Mr. Fleming: bill (449) to charter the town of Gold Hill, in Rowan. Corporations.

By Mr. Woodfin: bill (450) for the better regulation of the Western Turnpikes. Cherokee lands, etc.

From the Senate: engrossed bill (451) to prevent the sale of spirituous liquors near Davidson College. Also,

S. 452, to charter Carthage Lodge, A. Y. F. Masons. Also,
 S. 453, to charter Pitt county Female Institute. Also,
 S. 454, to charter Pollocksville Lodge, 175, A. Y. F. Ma-
 sons. Also,

S. 455, to charter Jones county Male and Female Semin-
 ary. Also,

S. 456, to charter the Christian Gold Mining Company.
 Also,

S. 457, to amend the charter of the North-Carolina Mutual
 Fire Insurance Company.

By Mr. Watson: bill (H. 458) to repeal an act concerning
 jury trials in Robeson county. Propositions and grievances.

Mr. Williams gave notice that he would to-morrow move
 to take up

H. 399, bill to provide for the Insane Asylum, and make
 it a special order for some day then to be named.

Messages were received from the Senate, informing the
 House that Mr. Humphrey had been appointed to the com-
 mittee on enrolled bills, in place of Mr. Houston; transmit-
 ting sundry House and Senate recommendations of justices
 of the peace in the counties of Alexander, Hyde, Orange
 and Surry.

The question being upon concurring therein, the House
 concurred in the addition, by the Senate, of the name of R.
 E. Reeves to the House list for Surry, and that of William
 A. Graham to the House list for Orange. Upon the Senate
 list for Hyde being read, and the question put,

Mr. Farrow moved to lay the same upon the table, and it
 was not adopted,—there being counted yeas 43, nays 47. So
 the question recurred, and was put, and

Decided in the affirmative—Yeas 63

Nays 41

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted
 in the affirmative, viz:

Messrs. Badham, Baird, Baxter, Benbury, Blount, Bridgers,
 Bryan, of C., Bryan, of N. H., Bullock, Burke, Dancy, Dick-
 son, Dortch, Drake, Faribault, Fleming, Foy, Fries, Gatling,

Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Lyon, McCotter, Masten, Moore, of C., Moore, of M., Mordecai, Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Smallwood, Simpson, Speight, Tomlinson, Thompson, Wallace, Watson, Washburne, Wilson and Williams.

And the following in the negative, viz :

Messrs. Bryson, Burns, Byrd, Caldwell, of B, Caldwell, of G., Clapp, Cox, of P., Craven, Dargan, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Kerr, Leak, Love, McKay, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Stephens, Taylor, Thornburg, Waddill, Walser, Waters, Windley and Woodfin.

On motion of Mr. Fries,

The joint committee on the Atlantic and North-Carolina Railroad Company, had leave (the Senate concurring) to send for persons and papers.

The House then resumed the consideration of

H. 380, the revenue bill for 1859-'60, section 28, clause 15, the pending question being upon the amendment of Mr. Sparrow, when Mr. Outlaw offered the following amendment : In 2d line, 15th paragraph, strike out the words " used, or kept for use, or ;" and the question being thereon, it was adopted.

Mr. Byrd moved to strike out the words " one dollar and," in the 3rd line; and it was not adopted.

Mr. Fleming offered the following: Strike out of the amendment the words " strike out \$1.25 and insert 5;" and the question thereon was put, and

Decided in the affirmative—Yeas	68
Nays	41

On motion of Mr. Sparrow,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Blount, Bridgers, Brummell,

Bryan, of N. H., Bryson, Burke, Byrd, Chambers, Costner, Dancy, Dickson, Dortch, Drake, Dula, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Mordecai, Norman, Outlaw, Purdie, Ransom, Roney, Sanders, Scales, Shaw, Sherrill, Speight, Thompson, Waddill, Walker, Wallace, Washburne, Watson, Wilson and Williams.

And following in the negative, viz :

Messrs. Baird, Benbury, Bryan, of C., Bullock, Burns, Caldwell, of B., Caldwell, of G., Clapp, Cox, of P., Craven, Dargan, Dockery, Eller, Fagg, Ferebee, Gaither, of D., Gentry, Hargrove, Hill, of H., Lyon, McCotter, Morgan, Newby, Norwood, Pritchard, Reagan, Reeves, Simonton, Simpson, Smallwood, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Walser, Ward, Watters, Windley and Woodfin.

Mr. Martin moved to amend by inserting the words "used or," before the word "worn ;" and it was adopted.

Mr. Taylor offered the following amendment : Add the following to the 15th section, viz : "Every gold-headed cane in use \$1 ; every silver-headed cane in use 50 cents ;" and the question thereon was put, and

Decided in the negative—Yeas, 52

Nays, 57

On motion of Mr. Taylor,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Baxter, Brummell, Burns, Caldwell, of B., Chambers, Clapp, Costner, Craven, Dockery, Dortch, Eller, Fagg, Faribault, Farrow, Fleming, Foy, Gardener, Gentry, Green, of C., Green, of F., Hall, of W., Harrington, Hill, of H., Higgins, Holdslaw, Kirby, Leffers, Lewis, Moore, of M., Morgan, Norman, Pritchard, Purdie, Reagan, Reeves, Roney, Sanders, Sherrill, Simonton, Simpson, Smallwood, Speight,

Speer, Stephens, Taylor, Tomlinson, Thornburg, Walker, Walser, Washburne and Windley.

And the following in the negative, viz:

Messrs. Badham, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Caldwell, of G., Cox, of P., Dancy, Dargan, Dickson, Drake, Dula, Ferebee, Fries, Gaither, of D., Gaither, of I., Gatling, Hall, of R., Hargrove, Henry, Hester, Hill, of S., Hutchins, Jones, of C., Jones, of O., Kerr, Leak, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Mordecai, Newby, Norwood, Outlaw, Ransom, Scales, Shaw, Sparrow, Thompson, Waddill, Wallace, Watters, Watson, Wilson, Williams and Woodfin.

So, the amendment was not adopted.

Mr. Martin offered the following amendment:

“All males who shall wear shawls shall pay a tax of one dollar;” and it was adopted—there being counted yeas 52, nays 45.

Mr. Bryson moved to strike out the whole clause.

Mr. Norwood moved to amend by striking out and inserting:

“Every dirk, bowie-knive, pistol, sword-cane, dirk-cane, and rifle-cane, kept for use, \$1,25; or when worn about the person of any one, at any time during the year, \$5. Arms used for mustering shall be exempt from any taxation.”

And it was not adopted. The question was then put upon the motion to strike out, and

Decided in the negative—Yeas	27
Nays	78

On motion of Mr. Walser,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baxter, Bryan, of C., Bryson, Burke, Byrd, Caldwell, of G., Craven, Fleming, Fries, Hall, of R., Hargrove, Hester, Hill, of H., Holdscaw, Jones, of O., Kerr, Lyon, McKay, Norwood, Pritchard, Reeves, Shaw, Smallwood, Speer, Speight and Woodfin.

And the following voted in the negative, viz:

Messrs. Baird, Benbury, Blount, Bridgers, Bryan, of N. H.,

Bullock, Burns, Chambers, Clapp, Costner, Cox, of P., Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of W., Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Kirby, Leak, Leffers, Lewis, Love, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Purdie, Ransom, Reagan, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Sparrow, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Washburne, Watters, Watson, Wilson, Williams and Windley.

Clause 15 was then adopted.

Clause 16 being read, Mr. Ferebee moved to strike out the words "United States," and it was not adopted.

Mr. Ward moved to amend as follows: "except ministers of the Gospel," and it was not adopted.

Mr. Waddill moved to amend as follows: after the word "lawyer," insert the words "editor of a newspaper or magazine," and it was not adopted. The clause then passed.

Clause 17 being read, Mr. Reeves moved to strike it out.

Mr. Caldwell, of Guilford, moved to amend by inserting after the words "maker of," the words "spirits of turpentine," and the question thereon was put and

Decided in the negative—Yeas, 42

Nays, 62

On motion of Mr. Foy,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Craven, Dargan, Dula, Eller, Fagg, Farrow, Gaither, of I., Gentry, Green, of C., Henry, Hill, of S., Higgins, Jones, of O., Kerr, Martin, Moore, of C., Morehead, Morgan, Norman, Pritchard, Reagan, Ripley, Sherrill, Simonton, Simpson, Speer, Stephens, Taylor, Thornburg, Waddill, Walker and Watters.

And the following in the negative, viz:

Messrs. Baxter, Blount, Brummell, Bryan, of C., Bryan, of

N. H., Burns, Chambers, Cox, of P., Dancy, Dickson, Dockery, Dortch, Drake, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hutchins, Jones, of C., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of M., Mordecai, Newby, Norwood, Outlaw, Purdie, Reeves, Roney, Sanders, Scales, Shaw, Sparrow, Speight, Tomlinson, Thompson, Walser, Ward, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Ferebee moved to strike out the word "wines," and it was not adopted.

The question on Mr. Reeves' motion, that the clause be stricken out, was then put and

Decided in the affirmative—Yeas, 67

Nays, 40

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following members voted in the affirmative, viz :

Messrs. Baird, Baxter, Brummell, Bryan, of C., Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of P., Craven, Dargan, Dockery, Dortch, Dula, Fagg, Faribault, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Hall, of R., Hargrove, Hester, Hill, of S., Higgins, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Mordecai, Norman, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Sparrow, Speer, Speight, Stephens, Tomlinson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Wilson and Windley.

And the following voted in the negative, viz :

Messrs. Badham, Blount, Bridgers, Bryan, of N. H., Burns, Chambers, Dancy, Dickson, Drake, Eller, Farrow, Ferebee, Fries, Gatling, Green, of F., Hall, of W., Harrington, Henry, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Moore, of M., Morgan, Newby, Norwood, Outlaw, Pritchard, Shaw, Smallwood, Taylor, Thompson, Wallace, Ward, Watson, Williams and Woodfin.

So clause 17th was stricken out.

Clause 18th being read,

Mr. Outlaw moved to amend by striking out the same.

Mr. Meares moved to amend as follows :

In 2nd and 3rd lines, strike out the word "six," and insert "ten," and it was adopted.

Mr. Caldwell, of Guilford, moved to amend as follows :

In line 2nd, after the word "sale," add "or his own use"; and it was not adopted.

The question was then put on the motion of Mr. Outlaw to strike out, and

Decided in the negative—Yeas, 14

Nays, 90

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Bridgers, Bryson, Bullock, Hargrove, Harrington, Henry, Leak, Newby, Norman, Outlaw, Pritchard, Smallwood and Ward.

And the following in the negative, viz :

Messrs. Baird, Baxter, Benbury, Blount, Brummell, Bryan, of C., Bryan, of N. H., Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dargan, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hester, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Morehead, Mordecai, Norwood, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Clauses 19, 20, 21, 22 and 23, then being read, were severally adopted.

Clause 24 being read, Mr. Walser moved to amend the same as follows :

Strike out lines 4, 5 and 6, and insert, "make return on oath to some county court of his county, within nine months from his administration, setting forth all descriptions of property and its true value; which report, when confirmed by the court, shall be conclusive."

And it was not adopted.

Section 29 read and adopted.

Section 30 being read, Mr. Costner moved to amend :

In the 4th line insert the word "or" between the word "agent" and the word "trustee," and strike out "or cestui que trust" in the 5th line ; and it was not adopted.

Sections 31, 32, 33, 34, 35 and 36 read and adopted.

Section 37 being read, Mr. Fleming offered the following amendment :

Insert after the word "taxation" the words "except such slaves and other taxable property as is mentioned in section 35;" and it was adopted.

Sections 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 passed without amendment.

Section 50 was read as follows :

Be it further enacted, That the clerk of the county court shall, (&c., as in section 81, old act.)

The clerk, accordingly, under direction of the Speaker, and without objection, read the remainder from Revised Code, chapter 99, section 81, title Revenue, and being read, the same was adopted as part of the bill before the House.

Section 51, in like manner read as printed in section 79 of the above act, and adopted.

Section 52, as in section 82 of the same act, and adopted.

Section 53, read and adopted.

Section 54, read as in section 83 of the above act, and adopted.

Section 55, read as printed in section 84 of the above act, and adopted.

Section 56, read as printed in section 85 of the same act, and adopted.

Section 57, read as printed in section 86 of the same act, and adopted.

Section 58, read as printed in section 87 of the same act, adding: "And in each case in which the sheriff collects by distress, he shall be entitled to extra compensation of forty cents, to be collected with the tax"; and adopted.

Sections 59 and 60, read as printed in section 89 of the same act, and adopted.

Section 61, read as printed in section 90 of the same act, and adopted.

Section 62, read as printed in section 91, of the same act, and adopted.

Section 63, read as printed in section 99, same, and adopted.

Section 64, read as printed in section 92, same, and adopted.

Section 65, read as printed in section 93, of the same act, when,

Mr. Fries moved to amend the same by striking out the words "ninety-one" and inserting the words "sixty-two," and it was adopted. The question recurring, "shall this section pass the second reading, as amended?"

Mr. Kerr objected that the bill had been ordered to be printed, and that said order had not been complied with, so far as it relates to the section under consideration; and he moved the reading be suspended, until the bill be printed.

Pending which question, the hour for adjournment arrived, And the House adjourned.

WEDNESDAY, JANUARY 19, 1859.

After the journal of yesterday was read,

Mr. Hutchins said that upon the motion to strike out clause 18, section 28, revenue, he voted in the negative under a misapprehension, and asked the unanimous consent of the House to change his vote; but, objection being made, the change was not made.

Mr. Bridgers presented the memorial of John F. Speight,

and others, praying an amendment of the laws relating to mill ponds in the county of Edgecombe. Judiciary.

Mr. Martin presented the recommendation of justices of the peace for the county of Wilkes, and

Mr. Farrow a similar recommendation for a justice in the county of Hyde—which were concurred in and ordered to be sent to the Senate.

Bills and resolutions were introduced as follows, viz:

By Mr. Scales: resolution (H. R. 459) in favor of John Wilson, of Alamance. Claims.

By Mr. Reagan: resolution (460) in favor of Paul Froneberger. Claims.

By Mr. Baird: bill (461) to amend the charter of the Greenville and French Broad Railroad Company. Internal improvements.

The House resumed the consideration of

H. 380, entitled revenue—the question being upon the adoption of section 65; and it was adopted.

Sections 66 and 67 read as in the law of 1856-'7, revenue, and adopted.

Section 69 read, and Mr. Fries moved to strike out "95" and "96" and insert "67," "68," and it was adopted, when

Mr. Henry moved that all the sections from section 50 to section 78, inclusive, be stricken out; and it was adopted.

Sections 78 and 79, read and adopted.

Sections 80 and 81. Read, and

On motion of Mr. Fries,

Stricken out.

Sections 82. Read and adopted.

Section 83, clause 1. Read, and Mr. Speer moved to amend as follows:

In the 5th line, after the word "charge," strike out "ten," and insert "fifteen;" and it was adopted.

Mr. Martin moved to amend by striking out "75," and inserting "200;" and it was not adopted.

Mr. Henry moved to insert "50," and it was rejected; and the clause then passed.

Section 83, clause 2. Read, and Mr. Bryan, of New Han-

over, moved to amend by striking out "forty," and inserting "twenty" in line 3.

Mr. Gaither, of Iredell, proposed "fifty" in lieu thereof, and a division being called for, the question was first put upon the motion to strike out, and it was decided in the affirmative, there being counted yeas 49, nays 46. The question then being upon the insertion of "50," it was not adopted. The question being upon the insertion of "30," it was not adopted; and the question being upon "20," it was adopted, there being counted 68 in the affirmative.

Mr. Hall, of Warren, offered the following amendment:
"Except amateur performers."

Mr. Sparrow, an amendment and substitute thereto:
"Except native companies and Thespian performers,"

When Mr. Hall withdrew his amendment. Mr. Sparrow's amendment being read, Mr. Hall renewed his amendment as an amendment thereto, and it was adopted. Mr. Sparrow's amendment, as thus amended, was then adopted, there being counted yeas 51, nays 21.

Mr. Ferebee moved to strike out, in line 2, "or exhibiting natural or artificial objects;" and the question being put upon the motion to strike out, the House refused to strike out.

Clause 3. Read, and Mr. Mordecai moved to amend as follows:

Strike out all between the word "of" in the 1st line and "daucers" in the 2nd line; also insert between the words "companies" and "who," in the second, the words "except musical performers;" and it was not adopted, there being counted yeas 29, nays 52.

Clause 4 and 5 being read, Mr. Hutchins offered the following:

Add "and one per cent. on the amount of insurance effected by any travelling agent of such companies;"

And the question thereon was put and decided in the negative, there being counted yeas 26, nays 44.

Clause 6 read and adopted.

Clause 7 read, and Mr. Meares offered the following:

Strike out in line 2, "three" and insert "five;" and it was not adopted.

Mr. Sparrow offered the following:

Insert after the word "broker," in the 1st line, the words "one hundred dollars." Insert before the word "private," in the same line, the word "usury;" and it was not adopted.

Clause 8, read and adopted.

Clause 9 read, and Mr. Fagg moved to amend by striking out and inserting: After the word "table," in the 2nd line, strike out "\$25" and insert "\$10; and that all billiard tables used at watering places west of the Blue Ridge, shall come under the head of private billiard tables."

And the question being first on striking out, it was not adopted.

Mr. Dancy offered the following:

"And every watering place in the State east of the Blue Ridge;" and it was not adopted.

The clause then passed.

Clause 10 read, and Mr. Henry moved to amend, viz:

Strike out "fifty" and insert "twenty-five;" and it was not adopted.

Mr. Dancy offered the following:

Every private bowling alley \$10; and it was adopted.

Mr. Drake offered the following:

Bowling alleys at watering places to pay only one-fourth of \$25; and it was not adopted.

Mr. Fagg moved to strike out clause 10; and it was not adopted.

Clause 11 read, and Mr. Baird moved to amend as follows:

Strike out "25" and insert "10." The House refused to strike out.

Clause 13 read, and Mr. Fagg moved to amend as follows:

"Except watering places west of the Blue Ridge;" and it was not adopted.

The clause then passed.

Clause 14 read, and Mr. Simonton moved to amend as follows:

Strike out all in the 3rd line after the word "face," and in-

sert "\$100, and the person paying such tax shall be permitted to carry on his business in any county in the State;" and it was not adopted.

Mr. Speer offered the following:

In the 3rd line, strike out "ten" and insert "fifteen;" and it was not adopted.

Mr. Bryson moved to amend, as follows:

Strike out all after the word "Provided"; and it was not adopted. The clause then passed.

Clause 15 read, and Mr. Caldwell, of Burke, offered the following amendment:

Strike out the words "one-half of" in the 3rd line; and it was not adopted, there being counted yeas 31, nays 50.

Clause 16 read, and Mr. Baird offered the following amendment:

Strike out the words "one-half of;" and it was not adopted.

Clause 17, read and adopted.

Clause 18 read, and Mr. Craven offered the following amendment:

Strike out "35," and insert "75" and it was not adopted.

Mr. Gaither, of I., moved to amend by striking out "35," and inserting "\$1.00," and the question being thereon, the House refused to strike out.

Mr. Caldwell, of Guilford, moved to amend as follows:

"Use a pack of playing cards during the year, not within his own residence, 25c. on the pack"; and it was not adopted.

Clause 19, read and adopted.

Clause 20 read, and Mr. Bryan, of New Hanover, offered the following:

And provided, That the said tax shall not extend to goods of merchants upon which a State tax has already been listed"; and, pending the same,

Mr. Outlaw gave notice that he should, to-morrow, move to suspend the rules concerning evening sessions.

The question was then put upon the amendment of Mr. Bryan, and it was not adopted.

Mr. McKay offered the following:

Strike out the word "hand" in the 2nd line to the word

“by” in the 4th line; and it was not adopted. The clause then passed.

Clause 21 read, and Mr. Bryan, of New-Hanover offered the following:

Strike out the word “one,” in the third line, and insert “one-fourth”; and it was not adopted.

Mr. Sparrow offered the following:

Strike out of line 7th, schedule B, clause 21, the word “whether,” and the words “in or”; and also strike out the proviso,—and the question being thereon, was put, and

Decided in the affirmative—Yeas, 67

Nays, 32

On motion of Mr. Sparrow,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Bridgers, Bryan, of N. H., Bryson, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dargan, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Faison, Faribault, Ferebee, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Harrington, Hester, Higgins, Hutchins, Jones, of C., Kirby, Leak, Leffers, Lewis, Love, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of N. H., Morehead Morgan, Newby, Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Ripley, Sanders, Shaw, Simonton, Simpson, Smallwood, Sparrow, Speer, Tomlinson, Thornburg, Waddill, Washburne, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baxter, Blount, Brummell, Bryan, of C., Bullock, Burke, Byrd, Costner, Dancy, Drake, Fleming, Fries, Foy, Hall, of R., Hargrove, Hill, of S., Jones, of O., Lyon, Masten, Roney, Scales, Sherrill, Speight, Stephens, Taylor, Thompson, Wallace, Walser, Watson, Wilson and Williams.

Pending the question, and by unanimous consent,

On motion of Mr. Ransom,

The Hon. Calvin Graves, of Caswell, being present in the hall, was invited to a seat upon the floor, and conducted thereto by Messrs. Ferebee and Ransom.

H. 380 resumed, Mr. Flemming offered the following amendment:

Strike out all between the word "purchasers" and the word "provided," and insert "except such as are of the growth or manufacture of the State;" and it was adopted.

Mr. Sparrow offered the following:

Amend by inserting the proviso; and it was adopted. The clause then passed.

Clause 22 read, and Mr. Hill, of Stokes, offered the following amendment:

In line 2 strike out "and one-half;" and it was not adopted.

Mr. Meares offered the following:

Strike out "one per cent." and insert "two per cent.;" and it was not adopted. The clause then passed.

Clause 23 read and adopted.

Clause 24 read, and Mr. Caldwell, of Burke, offered the following amendment:

Insert "non-resident" between the word "every" and the word "horse" in the 1st line, and strike out the word "another" in line 2, and insert the words "a non-resident."

And a division being called for, the Speaker proceeded to put the question; first, upon the 1st clause of the amendment, when

Mr. Caldwell moved the yeas and nays thereon.

Immediately upon which, the hour for the adjournment arrived, and the Speaker declared the House adjourned until 7, P. M.

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NIGHT SESSION—WEDNESDAY, JANUARY 19, 1859.

H. 28, Mr. Dortch's bill to secure a separate estate to *femes covert*. The question being "Shall this bill pass the second reading?"

Mr. Dortch moved the yeas and nays be ordered, and they were ordered.

The question recurring, Mr. Gatling moved the same be

indefinitely postponed; and the question thereon was put, and

Decided in the affirmative—Yeas, 70

Nays, 38

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Blonnt, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dockery, Drake, Eller, Ferebee, Fleming, Fries, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Jones, of C., Kirby, Leak, Leffers, Lyon, Masten, Moore, of C., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Reagan, Ripley, Roney, Scales, Sherrill, Simonton, Simpson, Speight, Stephens, Thompson, Thornburg, Wallace, Ward, Washburne, Watters, Whitfield and Wilson.

And the following in the negative, viz:

Messrs. Barbee, Baxter, Benbnry, Bryan, of C., Bryson, Caldwell, of B., Dortch, Dula, Fagg, Faison, Farrow, Hutchins, Jones, of O., Kerr, Lewis, Love, McCotter, McKay, Martin, Meares, Moore, of M., Norman, Norwood, Outlaw, Pritchard, Purdie, Sanders, Shaw, Sparrow, Speer, Taylor, Tomlinson, Waddill, Walker, Walser, Williams, Windley and Woodfin.

So, this bill was indefinitely postponed.

Mr. Henry offered the following resolution, viz:

Resolved, That from and after this night, this House meet at 9½, A. M., and adjourn at 2, P. M., meet again at 7, P. M., and adjourn at the pleasure of the House.

Laid over one day under the rule.

H. 44, Mr. Fleming's bill to extend the term of the superior courts of Rowan being read, it passed the second reading.

H. 76, Mr. Stephens' bill to establish a freehold homestead exemption. The question being upon the substitute adopted

On motion of Mr. Outlaw,

"Shall this bill pass the second reading?"

On motion of Mr. Fleming,

The yeas and nays were ordered, when the hour of nine arrived, and

On motion of Mr. Outlaw,

The House adjourned.

THURSDAY, JANUARY 20, 1859.

Mr. Simpson, from the committee on private bills, reported H. 429, Mr. Roney's bill to amend an act of 1854-'5, concerning Haw River, in Alamance, recommending that it do not pass.

Mr. Taylor presented the memorial of Lewis Brewer, praying the State to redeem certain paper issues made under its authority during the revolution.

Mr. Benbury, from the committee on privileges and elections, submitted the following report and resolution :

"The committee on privileges and elections have instructed me to report to this House, that, as by resolution passed by this House, giving them power to send for persons and papers, they summoned, by a written notice, J. J. Martin, a Senator of the General Assembly, and Jos. Dobson, also a Senator, and G. T. Cooke, postmaster in the city of Raleigh, to appear before them at a certain time and place, where the committee met ; that said notice was given to them by the chairman of this committee ; that the above named persons did not appear, but entirely disregarded the above notice. That the above named Senators, Martin and Dobson, were again served with a written notice from this committee, delivered to them by the principal doorkeeper of the Senate, summoning them to appear before the committee at a certain time and certain place, where this committee met ; that Mr. Martin sent word he could not attend, because he had to go on a committee ; that Mr. Dobson did not attend, but has treated the notice with entire disregard.

"Your committee having no further power in the matter,

and being unable to punish persons for contempt, or compel them to obey any summons, must request that this House will take such steps as are necessary to enforce its orders, and cause your committee to be respected in its notices.

“Respectfully submitted, &c.”

Resolved, That Messrs. Dobson and Martin, Senators, be requested to attend the committee on privileges and elections of this House, and that the Senate give permission to said gentlemen to appear before the House committee.

And the question being thereon,

Mr. Caldwell, of Burke, moved to amend as follows:

Resolved, That Messrs. Martin and Dobson, Senators, be requested to attend the House committee of privileges and elections in the office of the clerk of the House, on the 21st inst., at 4 o'clock, P. M., to testify to what they know as to R. E. Reeves, Esq., being postmaster, and that the Senate give permission to said gentlemen to appear before said committee.

The question being thereon, Mr. Byrd moved the same be laid on the table; and the question thereon was put, and

Decided in the negative—Yeas, 49

Nays, 55

On motion of Mr. Waddill,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Baxter, Blount, Bridgers, Bryan, of C., Bryson, Burke, Byrd, Costner, Drake, Faison, Fleming, Foy, Fries, Gentry, Hall, of R., Hall, of W., Harrington, Hill, of H., Hill, of S., Higgins, Holdsclaw, Kerr, Kirby, Leffers, Love, McKay, Masten, Moore, of N. H., Norman, Ransom, Reagan, Roney, Scales, Shaw, Sherrill, Simpson, Speer, Speight, Stephens, Tomlinson, Thompson, Wallace, Washburne, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Benbury, Brummell, Bullock, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Dula, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gardener, Gat-

ling, Green, of F., Hargrove, Henry, Hester, Hntchins, Jones, of C., Jones, of O., Leak, Lewis, Lyon, McCotter, Martin, Moore, of C., Morehead, Morgan, Mordecai, Newby, Norwood, Pritchard, Purdie, Ripley, Sanders, Simonton, Sparrow, Smallwood, Taylor, Thornburg, Waddill, Walker, Walser, Watters and Windley.

The question recurring,

Mr. Scales offered the following amendment to the amendment, viz:

Strike out all after the word "*Resolved*," and insert, "That this House has no power to interfere in any way whatever with members of the co-ordinate branch of the General Assembly, except to make requests to said members by message to their body.

Resolved, That Messrs. Martin and Dobson, in not appearing before the committee on privileges and elections, have only exercised their rights, and are not considered by this House as having treated it with contempt.

Resolved further, That a message be sent to the Senate, asking said body to give leave to Messrs. Martin and Dobson to appear before the committee on privileges and elections, should they choose to do so: *Provided*, said Senators shall not be requested to divulge confidential communications."

And the question being thereon, was put,

And adopted—Yeas, 62

Nays, 42

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Baxter, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Costner, Dancy, Drake, Faison, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdsclaw, Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of N. H., Mordecai, Norman, Norwood, Ransom, Reagan, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Ste-

phens, Tomlinson, Thompson, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

And the following in the negative, viz :

Messrs. Badham, Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Hutchins, Jones, of C., Leak, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Pritchard, Purdie, Ripley, Sanders, Simonton, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley, and Woodfin.

The question recurring upon the amendment, as amended, Mr. Caldwell, of Guilford, moved to strike out the second resolution, and it was adopted—yeas 38, nays 23.

Mr. Benbury then moved to amend the third resolution by inserting the words “at the office of the Clerk of the House of Commons, in the Hall, on Friday, P. M., the 21st inst., at 4 o’clock”; and it was adopted.

The question was then put, and

Decided in the affirmative—Yeas, 101

Nays, 5

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Eller, Fagg, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of H., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor,

Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz :

Messrs. Baxter, Bryan, of N. H., Hall, of W., Hill, of S., and Woodfin.

Mr. Benbury then offered the following resolution :

Resolved, That the Speaker of this House be instructed to cause the principal doorkeeper of the House, William S. Webster, to take the body of G. T. Cooke and have him before this House, to show cause why he should not be committed for contempt of the House, in not obeying a summons of the committee on privileges and elections.

To which Mr. Ransom offered the following amendment, and in addition, viz :

Resolved, That before the above resolution be carried into effect, the said George T. Cooke shall be served with a notice, signed by the Speaker, to show cause why the attachment for contempt shall not be issued.

And this was adopted; and the resolution, so amended, was then adopted.

Mr. Fleming offered the following resolution :

Resolved, That Messrs. Dobson and Martin have not been guilty of any contempt of the House, in refusing to obey the summons of a committee of the same.

And the question being thereon, Mr. Outlaw moved the same be laid upon the table. And this question was put and

Decided in the affirmative—Yeas, 54

Nays, 40

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox of P., Craven, Dancy, Eller, Faison, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Gardener, Harrington, Henry, Hester, Higgins, Hutchins, Leak,

Leffers, Love, McCotter, Martin, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Shaw, Simonton, Smallwood, Sparrow, Speer, Stephens, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Baxter, Bridgers, Bryan, of C., Bullock, Burke, Drake, Dula, Fleming, Foy, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Hill, of H., Hill, of S., Holdsclaw, Jones, of C., Jones, of O., Lewis, Lyon, Masten, Norwood, Ransom, Reagan, Ripley, Roney, Scales, Sherrill, Simpson, Speight, Tomlinson, Thompson, Washburne, Watson, Whitfield, Wilson and Williams.

Pursuant to notice, and

On motion of Mr. Outlaw,

Resolved, That when this House adjourn to-day, it adjourn to meet at 10 A. M., to-morrow.

The House then considered the resolution of Mr. Henry, offered yesterday, concerning the daily sessions of the House, when

Mr. Thornburg offered the following amendment :

"Meet at 10 A. M., adjourn at 1½ P. M., meet again at 3 P. M., and adjourn at the pleasure of the House."

And it was not adopted.

And the question being upon the resolution, it was put, and

Decided in the affirmative—Yeas, 77

Nays, 29

On motion of Mr. Dortch,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Cox, of P., Dancy, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Foy, Gaither of D., Gaither, of I., Gatling, Gentry, Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Higgins, Holdscaw, Hutchins, Jones, of C., Kerr, Kirby, Leak, Leffers,

Love, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norwood, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Scales, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Taylor, Tomlinson, Waddill, Walker, Walser, Waters, Watson, Wilson, Williams and Windley.

And the following in the negative, viz :

Messrs. Baird, Burke, Caldwell, of G., Chambers, Clapp, Costner, Craven, Dortch, Fleming, Fries, Gardener, Green, of F., Hester, Hill, of H., Hill, of S., Jones, of O., Lewis, McKay, Norman, Pritchard, Reeves, Sanders, Stephens, Shaw, Tomlinson, Thornburg, Ward, Whitfield and Woodfin.

So the resolution was adopted.

Mr. Simpson introduced the following resolution :

Resolved, That the committee on finance be instructed to inform the House, at as early a day as possible, why said committee wish to increase the revenue so much above that recommended by Mr. Courts, public treasurer, and how much increase they desire upon each item, and what item and what amount the whole revenue will raise; and if it is not intended for the purpose of raising a surplus over and above what is actually necessary at the present time, and for the purpose of taking stock in the proposed State Bank of North-Carolina.

The question being thereon, Mr. Outlaw moved to lay the same upon the table; and this question was put, and

Decided in the affirmative—Yeas, 50

Nays, 49

On motion of Mr. Hester,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burns, Caldwell, of G., Costner, Clapp, Dancy, Dickson, Dortch, Drake, Faison, Farrow, Foy, Gardener, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of H., Hill, of S., Hutchins, Jones, of C., Kirby, Leffers, Love, Lyon, Masten, Moore, of N. H., Morehead, Morgan, Norman, Norwood, Outlaw, Reeves,

Roney, Scales, Sherrill, Sparrow, Speight, Stephens, Thompson, Washburne and Williams.

And the following in the negative, viz:

Messrs. Baird, Blount, Brummell, Bryson, Burke, Byrd, Caldwell, of B., Chambers, Cox, of P., Craven, Dockery, Dula, Eller, Fagg, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gentry, Harrington, Hester, Higgins, Holdselaw, Kerr, Leak, Lewis, McCotter, Martin, Meares, Newby, Pritchard, Purdie, Sanders, Shaw, Simonton, Simpson, Smallwood, Speer, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Watters, Watson, Whitfield, Wilson and Windley.

Mr. Meares presented a recommendation of certain persons for justices of the peace in Brunswick county.

Mr. Thompson a similar recommendation for the county of Wayne—which were concurred in and sent to the Senate.

Bills, etc., of the following titles, were introduced, passed the first reading, and were referred, as follows:

From the Senate: bill (462) to amend the charter of the Roanoke Navigation Company and for other purposes.

Mr. Morehead, from the committee on historical documents, reported a resolution (463) for the purchase of Hawks' history.

By Mr. Ferebee: resolution (464) in favor of Shepherd D. Mercer. Claims.

By Mr. Bryson: bill (465) to alter the line between Jackson and Macon counties. Propositions and grievances.

By Mr. Bryan, of C.: bill (466) to charter Carolina City Steamboat Company. Corporations.

By Mr. Watson: bill (467) to appoint a tax collector for Robeson county. Propositions and grievances.

By Mr. Bridgers: bill (468) to charter Tyon-Cokee Swamp Navigation Company. Corporations.

By Mr. Dancy: bill (469) to authorize the formation of agricultural societies. Judiciary.

By Mr. Dula: bill (470) to amend an act concerning public roads in Wilkes and Caldwell counties.

By Mr. Holdselaw: bill (471) to alter the line of Watauga county. Propositions and grievances.

On motion of Mr. Kerr,

A message was sent to the Senate, proposing to proceed forthwith to elect ten trustees of the University.

The House then resumed the special order, viz:

H. 380, the bill entitled revenue, section 83, chapter 24, the pending question being upon the first clause of the amendment of Mr. Caldwell, of Burke. And it was now put, and

Decided in the affirmative—Yeas, 63

Nays, 36

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Benbury, Blount, Brummell, Bryan, of N.H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dickson, Dula, Eller, Fagg, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of F., Hall, of R., Harrington, Henry, Hester, Hill, of S., Higgins, Jones, of O., Love, McCotter, McKay, Martin, Meares, Moore, of N. H., Morehead, Newby, Norwood, Purdie, Reeves, Ripley, Simonton, Simpson, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Windley, Wilson and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baxter, Bryan, of C., Bullock, Costner, Dancy, Dortch, Drake, Faison, Ferebee, Fries, Gatling, Hall, of W., Hargrove, Hill, of H., Hutchins, Kirby, Leffers, Lewis, Lyon, Masten, Moore, of C., Moore, of M., Norman, Outlaw, Ransom, Roney, Sanders, Scales, Sherrill, Smallwood, Speight, Thompson, Ward, Whitfield and Williams.

So this clause of Mr. Caldwell's amendment being adopted, and the question was put upon the second clause thereof, and it was adopted.

Mr. Bullock moved to amend by striking out the words "one per cent. on the amount of each sale," and insert "fifteen dollars in every county in which any sale or exchange may be made."

A division being demanded, and the question put first upon striking out, it was not adopted.

Mr. Bullock then offered the following amendment :

And, further, the sheriff shall have power and authority to examine on oath, at any time, such horse or mule drover, or person who receives horses or mules to sell for a non-resident, as to whether he has made any sale or exchange, or not; and on his failure to answer, he shall be subject to the same penalty as for failure or neglect to pay said tax.

And the question being thereon,

Mr. Hill, of Halifax, moved to amend the same as follows :

After the word "not," insert "and as to whether he is a non-resident or agent for a non-resident."

And the question being thereon, was put and

Decided in the affirmative—Yeas, 99

Nays, 6

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Dula, Eller, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Burns, Burke, Byrd, Fagg and Harrington.

The question then being upon the amendment, it was adopted; and the question recurring upon the adoption of the clause as amended,

Mr. Dancy offered the following amendment, to be inserted after the word "effected," viz :

"To be collected out of the seller, if to be found in his county, and if the seller is not to be found, out of the buyer."

Mr. Woodfin offered the following amendment thereto :

Strike out in 1st and 2nd lines from the word "mule," in the 1st line, so as to include the word "another," in the 2nd line, and insert "brought into this State for sale, whether by citizens of this State or others;" which being adopted, the amendment was rejected.

Mr. Woodfin then offered the following amendment :

"Every horse drover shall be considered a non-resident, unless the sheriff has satisfactory evidence that he is a resident of the State."

And it was adopted.

Mr. Moore, of Chatham, moved to amend as follows :

Strike out the whole section, and insert as follows : "every horse and mule drover, or person who receives horses or mules for sale or exchange for another, 1 per cent. on the gross amount of his sales or exchange in said county."

A division being demanded, the House refused to strike out.

The Senate here informed the House, that they did not concur in the proposition to go forthwith into an election for trustees of the university.

Graham Daves, Esq., was announced, with a message from the Governor, transmitting the report of Charles Wilkes, Captain U. S. N., to the secretary thereof, upon the resources of the Deep river valley in North-Carolina.

On motion of Mr. Ferebee,

Sent to the Senate with a proposition to print.

The House resumed the revenue bill.

Section 83, clause 25. Read and adopted.

Section 83, clause 26. Read and adopted.

Section 83, clause 27. Read, and,

On motion of Mr. Dancy,

Amended, by inserting as follows :

“Every company of gypsies, or any strolling company of persons, who make a support by telling fortunes or pretending thereto, horse trading, tinkering or begging, \$100 in each county in which they offer to practice their crafts, recoverable out of any property belonging to any of the company.”

And it was adopted, and the clause passed.

Clauses 28 and 29 passed without amendment.

Sections 84, 85, 86, 87, 88, 89, 90, 91, 92 and 93 read and adopted.

Section 94, clause 1, read, and Mr. Bryson moved to strike out the 1st clause.

Mr. Caldwell, of Burke, moved to amend the same by inserting the words “fail to do so, and” after the word “shall” in the 3rd line; and it was adopted.

The question was then put upon the motion to strike out, and,

Decided in the negative—Yeas 3

Nays 93

On motion of Mr. Norman,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bryson, Love and Moore, of C.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Drake, Dula, Eller, Fagg, Faison, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Jones, of O., Kerr, Kirby, Leffers, Lewis, Lyon, McCotter, McKay, Martin, Masten, Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walser,

Ward, Washburne, Whitfield, Wilson, Williams, Windley, and Woodfin.

Clause 2 read, and Mr. Caldwell, of Burke, moved to amend as follows:

Strike out the last paragraph, beginning at the word "the" in the 7th line; and it was not adopted. Clause passed.

Clauses 3 and 4 passed without amendment.

Clause 5 read, and Mr. Henry moved to amend as follows:

Strike out "\$1" in the 1st line, and insert "50 cents.;" and it was not adopted.

Mr. Drake moved to amend by inserting "one-half of one per cent. on the amount of receipts;" and it was not adopted.

Mr. Taylor offered the following:

Strike out the words "every mortgage deed;" also "deeds in trust to secure the payment of debts or liabilities, one dollar."

And the question was pending thereon, and a motion for the yeas and nays, when the hour for adjournment arrived, and

The House adjourned until to-morrow at 10 o'clock.

FRIDAY, JANUARY 21, 1859.

Mr. Ransom gave notice that he should to-morrow move to make

H. 333, the bill to charter the Bank of North-Carolina, a special order.

On motion of Mr. Williams,

The House reconsidered the vote by which it had yesterday agreed to print the message of the Governor, concerning the Deep River Valley, with the accompanying documents, and the same was amended so as to strike out "five" and insert "twenty" copies; and the question being again put, the motion was adopted, and the message sent accordingly.

Mr. Wallace presented the recommendation of certain persons as justices of the peace for the county of Mecklenburg, and it was concurred in, and ordered to be sent to the Senate.

Mr. Gatling, from the committee on enrolled bills, submitted the following report, viz:

The committee on enrolled bills beg leave to say that they have carefully examined the bills with the following captions:

H. 125, act to make husbands liable for debts of their deceased wives;

H. 241, act to amend an act, entitled an act to incorporate the trustees of Graham Institute, a seminary of learning in Alamance county;

H. 176, act authorizing and empowering the justices of Franklin county to sell certain public lands belonging to said county;

H. R. 366, resolution concerning the executive mansion;

H. 118, act to prevent the felling of timber in Tuckahoe and Trent rivers;

H. 61, act to extend the corporation of the town of Kinston, &c.;

H. 252, act to restore jury trials to the county court of Lincoln;

H. 201, act to enlarge the powers of the commissioners of the town of Tawboro' so as to authorize them to keep up a more efficient fire engine company in said town;

H. 66, act for the incorporation of Mt. Pleasant, in Cabarrus;

H. 202, act to incorporate Davenport Female Academy, in Caldwell county;

H. 25, act to incorporate North-Carolina College, in Cabarrus county;

H. 184, act to amend an act passed by the General Assembly of North-Carolina, at the session of 1854-'5, to incorporate the town of Lenoir, in Caldwell county;

H. 63, act to require the clerks of the General Assembly to take an oath of office;

H. 89, act to incorporate the Orange Guards;

And they find the same truly enrolled, and ready for ratification.

Whereupon, the same received the signature of the Speaker of the House.

Mr. Reeves presented the following resolution, viz :

Resolved, That the committee on privileges and elections be, and they are hereby, instructed to enquire whether or not John A. Benbury, the sitting member from the county of Tyrrell, did not treat his constituents with spirituous liquors in order to secure a seat in this Hall ; and that they be further instructed to enquire whether or not he is not otherwise constitutionally disqualified to a seat in this Hall.

Resolved further, That the committee be authorized to send for persons and papers.

Resolved further, That a message be sent to the Senate, asking of that body that Benj. Basnight, a Senator from Tyrrell, be requested to appear before the committee to give evidence against the said John A. Benbury, provided he chooses to do so.

Resolved further, That said committee be instructed to report to this House, at an early day, whether the said John A. Benbury is entitled to a seat on this floor.

And the question thereon was,

On motion of Mr. Dortch,

Laid on the table.

Messages were received from the Senate as follows, transmitting several engrossed House bills, with certain amendments thereto, all of which were severally concurred in : concurring in the request of the House for the attendance of Messrs. Dobson and Martin, provided they so choose ; concurring in the proposed grant of power to the committee on the North-Carolina and Atlantic Railroad Company, and appointing Mr. Donnell thereto, in place of Mr. Carmichael, excused ; transmitting several engrossed Senate bills and resolutions, noticed more fully on the calendar ; and another concurring in the House recommendation for justices for Tyrrell county.

Mr. Fries, from the committee on finance, submitted a supplemental report, which,

On motion of Mr. Watters,

Was ordered to be printed.

Bills, etc., of the following titles, were introduced, passed

the first reading, and referred, and other proceedings had, as follows:

By Mr. Gatling: bill (472) to charter Reynoldson Male Institute.

By Mr. Scales: bill (473) to encourage the Fayetteville Independent Light Infantry.

From the Senate: bill (474) concerning executors and administrators. Referred,

On motion of Mr. Kerr,

To the judiciary committee.

From the Senate: bill (475) concerning the sale of spirituous liquors near Richlands Academy.

Also the following engrossed bills, etc.

S. 476, concerning fences in Person county.

S. 477, to extend the limits of New-Berne.

S. R. 478, concerning public library.

S. R. 479, concerning the Guthrie flag.

S. 480, in aid of the Fayetteville, and Coalfields Railroad.

S. R. 481, concerning north-west room in Senate Gallery.

S. 482, concerning Hunter's Creek Lake in Onslow county.

By Mr. Moore, of Chatham: bill (483) to alter the Constitution. Judiciary.

The House resumed the special order, viz:

H. 380, section 94, chapter 5—the pending question being upon the amendment of Mr. Taylor. And it was put, and

Decided in the negative—Yeas, 27

Nays, 75

On motion of Mr. Taylor,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Bryson, Byrd, Caldwell, of B., Clapp, Cox, of J., Cox, of P., Dula, Eller, Fagg, Gaither, of D., Gatling, Gentry, Harrington, Hester, Leak, Love, Moore, of C., Morehead, Purdie, Reeves, Ripley, Simpson, Stephens, Taylor and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baxter, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Chambers, Costner,

Craven, Dancy, Dickson, Drake, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gardener, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Lyon, McCotter, McKay, Martin, Masten, Moore, of N. H., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Ransom, Reagan, Sanders, Scales, Shaw, Sherrill, Simonton, Smallwood, Sparrow, Speer, Speight, Tomlinson, Thompson, Thornburg, Wallace, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Windley.

Mr. Baird moved the clause be stricken out, and the yeas and nays being ordered,

Mr. Shaw offered the following amendment :

Strike out "and every other deed conveying title to real estate, when the consideration is \$300 or upwards, fifteen cents;" and it was not adopted.

Mr. Leffers offered the following :

For every marriage license, when the applicant, by his own oath or by other evidence, proves that he is of or under the age of twenty-five years, he shall pay 75 cents ; those between the ages of 25 and 35 shall pay \$1 ; all from the ages of 35 and under 45 shall pay one dollar and fifty cents ; and all over the age of 45 a tax of two dollars ;" and it was not adopted.

Mr. Ward offered the following :

Strike out "marriage license ;" and it was not adopted.

Mr. Shaw offered the following :

Strike out "every bill of sale for slaves ;" and it was not adopted.

The question was then put on the motion to strike out, and

Decided in the negative—Yeas, 21

Nays, 85

On motion of Mr. Baird,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryson, Byrd, Caldwell, of B., Clapp, Dula, Fagg, Gentry, Harrington, Hester, Love, Pritchard, Purdie,

Reeves, Ripley, Sanders, Simpson, Stephens, Taylor, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burns, Burke, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Eller, Faison, Fari-bault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of H., Hill, of S., Hig-gins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of N. H., Morehead, Morgan, Mordécai, Newby, Norman, Norwood, Outlaw, Ransom, Reagan, Roney, Scales, Shaw, Sherrill, Simonton, Smallwood, Sparrow, Speer, Speight, Tomlinson, Thompson, Thornburg, Walker, Wallace, Walser, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

Clause 6 read as in the printed copy filed by Mr. Fries, the same being first amended, as follows : Insert between the words "each" and "court," in the 1st line, the words "case in every."

And Mr. Hester moved the same be stricken out, and the question thereon was put, and

Decided in the negative—Yeas, 42

Nays, 65

On motion of Mr. Hester,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Gardener, Hargrove, Harrington, Hester, Holdselaw, Leak, Lewis, Love, Lyon, McCotter, Pritchard, Purdie, Reagan, Reeves, Ripley, Sanders, Scales, Sherrill, Simonton, Simpson, Smallwood, Stephens, Taylor, Tomlinson, Thornburg, Walker, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Blount, Bryan,

of C., Bryan, of N. H., Bridgers, Bullock, Burns, Burke, Cox, of J., Craven, Dancy, Dickson, Dortch, Drake, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Henry, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Ransom, Roney, Shaw, Speer, Speight, Thompson, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

Section 95 was then read and adopted.

Sections 96, 97 and 99 read according to printed copy filed by Mr. Fries, and adopted.

Section 102 read, and Mr. Byrd offered the following amendment:

Insert after the word "Comptroller," in the 4th line, "or clerk of the county court," and insert after "Comptroller," in the 5th line, "or clerk"; and it was not adopted. The section then passed.

Section 103 read and adopted.

Section 104 read, and Mr. Woodfin moved to amend by striking out "four" and inserting "five."

Sections 105 to 115 read and adopted without amendment.

The Chair, then, pursuant to the former order, proceeded to put the question, "shall this bill pass the second reading?" and it was

Decided in the affirmative—Yeas, 75

Nays, 31

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of G., Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gardner, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Jones, of C., Jones, of O., Kerr, Kirby,

Leffers, Lewis, Love, Lyon, Martin, Masten, Moore, of C., Moore, of N. H., Morehead, Mordecai, Norman, Norwood, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speer, Speight, Thompson, Walker, Wallace, Walser, Washburne, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Benbury, Byrd, Caldwell, of B., Chambers, Clapp, Cox, of P., Craven, Dula, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Hutchins, McCotter, Moore, of M., Morgan, Newby, Pritchard, Purdie, Sanders, Simonton, Stephens, Taylor, Tomlinson, Thornburg, Ward, Whitfield and Windley.

So, the bill passed the second reading; and the Chair immediately put the question, "shall the bill pass the third reading?"—that being the construction placed by the chair upon the order of the House concerning the same, made the 11th inst.

Mr. Caldwell, of B., appealed from the decision, and the question being, "shall the decision of the chair stand as the judgment of the House?" was put and

Decided in the affirmative—Yeas, 78

Nays, 27

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burns, Burke, Byrd, Costner, Chambers, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Shaw, Simpson, Speer, Speight, Stephens, Taylor, Thompson,

Tomlinson, Walker, Wallace, Washburne, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Benbury, Bryson, Caldwell, of B., Caldwell, of G., Clapp, Cox, of P., Craven, Eller, Farrow, Ferebee, Gaither, of I., Harrington, Henry, Hester, McCotter, Martin, Morehead, Morgan, Newby, Ripley, Simonton, Smallwood, Thornburg, Walser, Watters and Windley.

Pending the announcement of this vote, and before the result was ascertained and declared, Mr. Ward proposed to debate the bill and to offer an amendment to the title. The Speaker declared the same not in order.

Mr. Badham then moved that the order by which the House had decided the bill to be put through the second and third readings, and considered until disposed of, be rescinded; and the question thereon was put, and

Decided in the negative—Yeas,	53
Nays,	53

On motion of Mr. Badham,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dickson, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of I., Gentry, Green, of F., Harrington, Henry, Hester, Higgins, Hutchins, Jones, of O., Kerr, Leak, Love, McCotter, Martin, Meares, Moore, of C., Morehead, Morgan, Newby, Norman, Outlaw, Reagan, Ripley, Shaw, Simonton, Simpson, Speer, Taylor, Thornburg, Walker, Walser, Watters, Watson, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Baxter, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Drake, Faison, Fairbault, Fleming, Foy, Gardener, Hall, of R., Hall, of W., Hargrove, Hill, of H., Hill, of S., Holdscraw, Jones, of C., Kirby, Leffers, Lewis, Lyon, Masten, Moore, of M., Moore, of N. H., Mordecai, Norwood, Pritchard, Purdie, Ransom, Reeves, Roney, Sanders, Scales, Sherrill,

Smallwood, Speight, Stephens, Tomlinson, Thompson, Ward, Wallace, Washburne, Wilson, Whitfield and Williams.

There being a tie, the Speaker voted in the negative.

The bill was then ordered to the third reading, and section 1, be read,

On motion of Mr. Kerr,

The bill was ordered to be re-committed to the committee of finance, printed with the amendments, and made the special order for Tuesday next, at 12 o'clock, M.

The House resumed the unfinished business of the night session—being

H. 76, bill to establish a homestead exemption; and the question “shall this bill pass the second reading?” was put, and

Decided in the affirmative—Yeas, 61

Nays 41

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Benbury, Bryan, of C., Bryson, Burke, Byrd, Caldwell, of B., Caldwell, of G., Cox, of P., Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Foy, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of F., Harrington, Henry, Hester, Hill, of S., Holdselaw, Hutchins, Jones, of O., Leffers, Lewis, Love, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Reeves, Shaw, Simonton, Smallwood, Speer, Stephens, Taylor, Walker, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bridgers, Bullock, Burns, Clapp, Chambers, Costner, Cox, of J., Craven, Dancy, Dickson, Farrow, Ferebee, Fleming, Fries, Gardener, Hall, of R., Hall, of W., Hargrove, Higgins, Leak, Lyon, Masten, Morehead, Ripley, Roney, Sanders, Scales, Sherrill, Simpson, Speight, Tomlinson, Thompson, Thornburg, Wallace, Walser, Washburne, Watters, Whitfield and Wilson.

H. 54, Mr. Taylor's bill to charter the Chatham Railroad Company, being read the third time,

Mr. Bryan, of Craven, offered an amendment, as follows :

Strike out "at some point on the North-Carolina Railroad," and insert "at the point on the North-Carolina Railroad where the same crosses Neuse River;"—pending the consideration of which, the hour for the adjournment arrived,

And the House adjourned.

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NIGHT SESSION—FRIDAY, JANUARY 21, 1859.

The House resumed the consideration of the bill to charter the Chatham Railroad Company.

The question upon the amendment of Mr. Bryan, of C., was put, and

Decided in the negative—Yeas, 34

Nays, 63

On motion of Mr. Hutchins,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bryan, of C., Bryan, of N. H., Burke, Caldwell, of G., Clapp, Cox, of J., Cox, of P., Dula, Eller, Farrow, Foy, Hall, of R., Hill, of H., Jones, of C., Lewis, McCotter, Martin, Meares, Moore, of N. H., Morehead, Morgan, Norwood, Pritchard, Reeves, Sanders, Speer, Stephens, Thompson, Wallace, Walser, Ward, Whitfield, Windley and Woodfin.

And the following voted in the negative, viz :

Messrs. Baird, Barbee, Benbury, Bridgers, Bryson, Bullock, Burns, Byrd, Caldwell, of B., Chambers, Dancy, Drake, Fagg, Faribault, Ferebee, Fries, Gaither, of L., Gardener, Gentry, Green, of F., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Mordecai, Norman, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Smith, Sparrow, Taylor, Tomlinson, Thornburg,

Waddill, Walker, Washburue, Watters, Watson, Wilson and Williams.

Mr. Green offered the following amendment:

Provided, That if, at any time, said road shall connect with any South-Carolina road by crossing the Wilmington, Charlotte & Rutherford Railroad, it shall work a forfeiture of its charter; and it was adopted.

Mr. Caldwell, of Guilford, offered the following:

Be it further enacted, That the said Company shall have power to build a road to connect Danville with Greensboro; and the question thereon was put and

Decided in the negative—Yeas, 25

Nays, 74

On motion of Caldwell, of Guilford,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Baird, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Dula, Eller, Gaither, of D., Gaither, of I., Gentry, Hall, of R., Hester, Hill, of S., Martin, Morehead, Pritchard, Reagan, Reeves, Simonton, Simpson, Speer, Walser, Windley and Woodfin.

And the following voted in the negative, viz:

Messrs. Barbee, Benbury, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Drake, Fagg, Faribault, Farrow, Ferabee, Fleming, Foy, Fries, Gardener, Green, of F., Hall, of W., Hargrove, Harrington, Hill of H., Higgins, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Lewis, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Mordecai, Norman, Norwood, Outlaw, Purdie, Ransom, Ripley, Roney, Sanders, Scales, Sherrill, Smith, Sparrow, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Ward, Washburne, Watters, Watson, Whitfield, Wilson and Williams.

The question recurring "shall this bill pass the third reading?" was put, and

Decided in the affirmative—Yeas, 67

Nays, 29

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Benbury, Bridgers, Bryan, of N. H., Bryson, Bullock, Byrd, Caldwell, of B., Chambers, Costner, Dancy, Dickson, Drake, Eller, Fagg, Faribault, Ferebee, Fries, Gaither, of D., Gardener, Gentry, Green, of F., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Holdsclaw, Hutchins, Kerr, Leak, Love, Lyon, McKay, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Norman, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Smith, Sparrow, Speer, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And following in the negative, viz:

Messrs. Bryan, of C., Burke, Caldwell, of G., Clapp, Cox, of J., Cox, of P., Dula, Farrow, Foy, Gaither, of I., Hall, of R., Hester, Hill, of H., Jones, of C., Jones, of O., Lewis, McCotter, Martin, Meares, Morehead, Morgan, Norwood, Pritchard, Sanders, Stephens, Thompson, Wallace, Ward and Whitfield.

H. 92, Mr. Simpson's bill to charter the Danville & Greensboro' Railroad Company, as amended, being called up for the third reading,

Mr. Caldwell, of Guilford, moved the same be laid upon the table; and

Mr. Kerr moved the House adjourn; and the latter question was put, and

(Mr. Thompson gave notice that he should move the rule concerning night sessions be suspended to-morrow.)

Decided in the affirmative—Yeas, 57

Nays, 40

On motion of Mr. Foy,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Barbee, Benbury, Bridgers, Bryan, of C., Bryan,

of N. H., Burke, Caldwell, of G., Chambers, Clapp, Cox, of J., Dancy, Eller, Fagg, Farrow, Ferebee, Fleming, Fries, Gaither, of D., Green, of F., Hall, of R., Hall, of W., Harrington, Hester, Hill, of S., Holdselaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Love, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Morgan, Mordecai, Norman, Norwood, Outlaw, Roney, Sanders, Scales, Shaw, Simpson, Smith, Sparrow, Thompson, Wallace, Walser, Ward, Washburne, Watson and Windley.

And the following in the negative, viz:

Messrs. Baird, Bryson, Bullock, Caldwell, of B., Costner, Cox, of P., Dickson, Drake, Dula, Faribault, Foy, Gaither, of I., Gardener, Gentry, Hargrove, Hill, of H., Higgins, Lewis, Lyon, McCotter, Moore, of M., Moore, of N. H., Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sherrill, Simonton, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Watters, Whitfield and Woodfin.

So the House, at 9 o'clock 15m., adjourned.

SATURDAY, JANUARY 22, 1859.

Reports were submitted and received from standing committees, as follows:

By Mr. Baxter, from the committee on propositions and grievances:

H. 265, Mr. Watter's bill to establish the county of Dickson, recommending that it do not pass.

H. 458, Mr. Watson's bill to repeal an act concerning jury trials in Robeson, with an amendment, and recommending that, so amended, the same do pass.

H. 467, Mr. Watson's bill to appoint a tax-collector for Robeson county, recommending its passage.

Bills and a resolution, respectively entitled as follows, were introduced, read, and passed the first reading as follows:

By Mr. Taylor: resolution (H. R. 484) in favor of Drury King. Claims.

By Mr. Morehead: bill (485) to charter the Old Topsail Navigation Company.

By Mr. Badham: bill (486) to authorize a further subscription to the Albemarle & Chesapeake Canal Company. Internal improvements.

On motion of Mr. Thompson,

Resolved, That when this House adjourn, it adjourn to meet on Monday morning, at 10 o'clock, A. M.

Mr. Dancy introduced the following resolution, viz:

Resolved, That from and after to-night, the hour for the adjournment of the night sessions shall be 9½ o'clock.

Laid over one day under the rule.

The House resumed the consideration of H. 92, entitled a bill to charter a railroad from Greensboro' to Danville,—the question being, "shall this bill pass the third reading?"

Mr. Outlaw offered the following amendment:

"That any connection formed by the company, hereby incorporated, with any railroad in the State of Virginia, shall work a forfeiture of the charter hereby granted, and the present or any future legislature shall have power to repeal it."

Mr. Ward offered to amend by adding:

"Either by line of stages or other means of transportation"; and it was not adopted.

Mr. Caldwell, of G., the following:

"Nor shall it be lawful for the said road to carry any passengers over it other than free negroes emigrating to this State"; and it was not adopted.

Mr. Norwood, the following:

"Said Railroad shall not receive and carry any freight or passengers from the North Carolina Railroad, intended for the Danville and Richmond Railroad"; and the question thereon was put, and

Decided in the negative—Yeas 15

Nays 87

On motion of Mr. Norwood,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baxter, Blount, Bryan, of N. H., Craven, Green, of

F., Hill, of H., Lewis, Meares, Moore, of N. H., Norwood, Sanders, Thornburg, Ward, Watson and Whitfield.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dockery, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Kerr, Leak, Leffers, Love, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thompson, Waddill, Walker, Walser, Washburne, Watters, Wilson, Williams, Windley and Woodfin.

The question recurring was put, and

Decided in the affirmative—Yeas 70

Nays 29

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bryson, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Dancy, Dockery, Dula, Eller, Fagg, Faribault, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Hall, of R., Harrington, Henry, Hill, of S., Higgins, Holdscaw, Kerr, Leak, Leffers, Love, McKay, Martin, Masten, Moore, of C., Moore, of M., Morehead, Mordecai, Newby, Norman, Outlaw, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baxter, Blount, Bridgers, Bryan, of N. H., Bullock, Burns, Burke, Caldwell, of G., Cox, of J., Cox, of P.,

Foy, Green, of F., Hargrove, Hester, Hill, of H., Hutchins, Jones, of O., Kirby, Lewis, McCotter, Meares, Moore, of N. H., Norwood, Sanders, Stephens, Tomlinson, Thompson, Ward and Whitfield.

So the bill passed the third reading.

Ordered, That that the title be changed to that of "A bill to charter the Rockingham Coalfields Company," be engrossed and sent to the Senate.

The House resumed the calendar.

H. 76, the bill to establish the freehold exemption. The question being "shall the bill pass the third reading?"

Mr. Masten moved the said bill be indefinitely postponed; and this question was put and

Decided in the negative—Yeas, 32

Nays, 67

On motion of Mr. Meares,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Blount Bridgers, Bullock, Chambers, Costner, Craven, Dancy, Dickson, Fleming, Fries, Gaither, of I., Gardener, Hall, of R., Hargrove, Hill, of H., Higgins, Masten, Ripley, Sanders, Scales, Sherrill, Simonton, Simpson, Smith, Thompson, Thornburg, Wallace, Walser, Washburne, Watters and Whitfield.

And the following in the negative, viz:

Messrs. Baird, Barbee, Baxter, Benbury, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of G., Cox, of J., Cox, of P., Dockery, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gatling, Gentry, Green, of F., Harrington, Henry, Hester, Hill, of S., Holdscaw, Jones, of O., Kirby, Leak, Leffers, Lewis, Love, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Ransom, Reagan, Reeves, Roney, Shaw, Smallwood, Sparrow, Speer, Stephens, Taylor, Waddill, Walker, Ward, Watson, Williams, Windley and Woodfin.

Mr. Fleming offered the following amendment: Insert "while" before "citizens;" and it was adopted.

Mr. Watters offered the following:

“*Resolved*, That the said freehold shall not be exempt from State or county taxes;” and it was adopted.

Mr. Outlaw offered the following to be added to the preceding:

“Nor exempt from execution for any debt or cause of action arising upon any bond or covenant previously executed, although the same may accrue after it is laid off;” and it was adopted.

Mr. Scales moved the bill be re-committed, and it was not adopted.

Mr. Smith offered the following amendment:

“To be allotted her as is now provided by law in cases of application for dower;” and it was adopted.

Also: Insert after “again” in section 5, the words “before such election;” and it was adopted.

The question then recurred, was put, and

Decided in the affirmative—Yeas, 62

Nays, 42

On motion of Mr. Hester,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Baxter, Benbury, Bryan, of N. H., Bryson, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Cox, of J., Cox, of P., Dockery, Dula, Eller, Fagg, Faison, Faribault, Farrow, Foy, Gaither, of D., Gardener, Gatling, Gentry, Green, of F., Harrington, Henry, Holdslaw, Hutchins, Kerr, Leak, Lewis, Love, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Reeves, Shaw, Smallwood, Sparrow, Speer, Stephens, Taylor, Waddill, Walker, Ward, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Blount, Bridgers, Bullock, Burns, Costner, Craven, Dancy, Dickson, Ferebee, Fleming, Fries, Gaither, of I., Hall, of R., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Jones, of O., Kirby, Leffers, Masten, Moore, of N. H., Ransom, Ripley, Roney, Sanders, Scales,

Sherrill, Simpson, Smith, Tomlinson, Thompson, Thornburg, Wallace, Walser, Washburne, Watters, Whitfield and Wilson.

H. 117, bill of Mr. Bryan, of New Hanover, to amend the charter of the Wilmington and Manchester Railroad Company. Passed the third reading, and ordered to be engrossed and sent to the Senate.

H. R. 170, Mr. Kerr's resolution in favor of John Word, of Caswell county, passed the third reading.

H. 192, Mr. Fleming's bill to establish the Bank of Salisbury.

The question being "shall this bill pass the third reading?"

Mr. Reeves offered an amendment, which was not adopted.

Mr. Clapp, an amendment, which was not adopted.

Mr. Hill, of Halifax, the following:

(1.) Add to section 20, "And every note, bill, or other species of paper intended for circulation, of greater denomination than \$5, shall be a multiple of 5; and no certificate of deposit or other acknowledgement of indebtedness, except notes or bills, shall be made, drawn or issued by any cashier, teller, or officer of the bank, for a less sum than \$20."

(2.) Add to section 18, "It shall likewise be the duty of said president to publish on the 1st of January, and every three months thereafter, the above statement of the condition of the bank in one paper of the largest circulation in the town of Salisbury, and one paper of the largest circulation in the city of Raleigh."

(3.) Strike out the words "or their equivalent," in section —; and they were severally adopted.

Mr. Benbury offered the following:

That if any bill or bills shall, at any time, be protested for non-payment, then the person having said bill or bills protested may recover the amount of said bill or bills from any of the persons holding stock in said bank, by warrant or otherwise according to law.

And the question thereon was put, and

Decided in the negative—Yeas, 5

Nays, 95

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Henry, Martin, Purdie and Ward.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dula, Eller, Fagg, Faison, Fari-bault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norwood, Reagan, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

The question recurring, the hour for adjournment arrived, and

The House adjourned until Monday at 10 o'clock, A. M.

MONDAY, JANUARY 24, 1859.

Mr. McKay, from the committee on internal improvements, reported :

H. 398, Mr. Speer's bill for opening a public road from Salisbury to the Virginia line, recommending its passage. And

H. 461, Mr. Baird's bill to amend the charter of the Greenville and French Broad Railroad Company, with a similar commendation.

Mr. Hill, of Stokes, from the committee on corporations, reported

H. 411, Mr. Shaw's bill to charter Lower Little River and

Cane Creek Navigation Company, with amendments, and recommending its passage.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Shaw, Woodfin, Simpson, Taylor and Foy.

Mr. Smallwood, from the committee to investigate the condition of the Roanoke Navigation Company, submitted a report in writing, which,

On motion of Mr. Badham,
Was ordered to be printed.

On motion of Mr. Dancy,
Resolved, That from and after to-night, the hour for the adjournment for the night shall be 9½ o'clock.

On motion of Mr. Farrow,
Resolved, That all bills shall be taken up for the balance of the session in regular order, with the exception of the Revenue bill, and such bills as have been made the special order for certain days.

On motion of Mr. Kerr,
Resolved, That hereafter, the clerk of the House be, and he is hereby authorized and requested, in making up the journal, to set forth and record at full length all such amendments as may be prepared and not withdrawn, to every bill which may be under consideration.

Mr. Reeves presented a recommendation of certain justices of the county of Surry. Concurred in and ordered to be sent to the Senate.

Messages were received from the Senate, proposing amendments to certain engrossed House bills, which were concurred in. Also,

Transmitting certain engrossed Senate bills noticed on the calendar. Also,

Concurring in the proposition to print the Governor's message concerning Deep river, and the accompanying report of Captain Wilkes. Also,

Announcing the appointment of Messrs. Houston, Lane and Leach to the committee on enrolled bills.

Bills, etc., of the following titles, were introduced, passed the first reading, and were referred as follows :

By Mr. Burke : bill (487) concerning justices of the peace. Judiciary.

From the Senate : S. 488, concerning pilotage on the Cape Fear river and bars.

From the Senate : S. 489, to charter the North State Copper and Gold Mining Company.

From the Senate : S. 490, to charter the Copper Hill Mining Company.

From the Senate : S. 491, to charter the Transmontane College, in Madison county.

From the Senate : S. 492, to charter the Guilford Gold Mining Company.

The House resumed the consideration of H. 192, Mr. Fleming's bill to establish the Bank of Salisbury.

Mr. Waddill offered the following amendment, viz :

Be it further enacted, That should this Bank establish any loan agency without the limits of this State, it shall pay to the public treasurer six per cent. upon the business transacted by such loan agency or agencies, to be ascertained by oath made by the president of said bank.

And it was adopted. The question recurring,

Mr. Ferebee moved to lay the motion upon the table ; and it was not adopted.

The question was then put, and

Decided in the affirmative—Yeas, 61

Nays, 39

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Chambers, Costner, Cox, of J., Dula, Eller, Fagg, Faison, Farrow, Fleming, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Hall, of R., Hargrove, Harrington, Hill, of S., Higgins, Holdselaw, Jones, of O., Kirby, Leak, Long, Love, McKay, Masten, Morehead, Morgan, Norman, Reagan, Reeves, Ripley, Shaw, Sherrill,

Simonton, Simpson, Smallwood, Sparrow, Speer, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Blount, Bridgers, Bryan, of N. H., Caldwell, of G., Clapp, Cox, of P., Craven, Dancy, Dickson, Dockery, Ferebee, Fries, Green, of C., Green, of F., Henry, Hester, Hill, of H., Hutchins, Leffers, Lewis, McCotter, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Newby, Outlaw, Pritchard, Purdie, Roney, Sanders, Smith, Speight, Stanford, Stephens, Taylor, Tomlinson and Windley.

The House considered the special order, viz :

S. 480, to aid the Fayetteville and Coalfields Railroad Company.

The question being "Shall the bill pass the second reading?"

Mr. Ward offered the following amendment :

Strike out sec. —, and insert: "*Be it further enacted,* That the foregoing appropriation or exchange of bonds is granted, on the express condition that the Legislature of the State shall have power, at this or any subsequent session, to charter a company or companies to extend said road, either east or west, or both, either with or without State aid, as the wisdom of the State Legislature may deem proper, and upon such terms as to the Legislature may seem just to all the stockholders of all the companies formed or to be formed; and the said extension or extensions, when completed, shall form part of the said Western Railroad, and the stockholders shall form one company.

And the question being first "Shall the House strike out?" it was not agreed to.

The question then recurred, and was put, and

Decided in the affirmative—Yeas, 55

Nays, 44

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Benbury, Bryan, of N. H., Bryson,

Burns, Byrd, Caldwell, of B., Costner, Craven, Dockery, Dickson, Eller, Fagg, Faison, Fleming, Gaither, of D., Gardener, Gentry, Green, of C., Hall, of R., Harrington, Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Long, Love, McKay, Martin, Moore, of C., Moore, of N. H., Morehead, Mordecai, Purdie, Reeves, Ripley, Shaw, Simpson, Stanford, Taylor, Thornburg, Waddill, Walker, Washburne, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bridgers, Burke, Caldwell, of G., Chambers, Clapp, Cox of P., Dancy, Dula, Farrow, Ferebee, Fries, Gaither, of I., Gatling, Green, of F., Hargrove, Henry, Hester, Hill, of H., Hill, of S., Lewis, McCotter, Masten, Morgan, Newby, Norman, Outlaw, Pritchard, Roney, Sanders, Sherrill, Simonton, Smallwood, Smith, Speer, Speight, Stephens, Tomlinson, Wallace, Walser, Ward, Whitfield, and Windley.

Mr. Bullock paired off with Mr. Drake, and Mr. Moore, of Martin, with Mr. Hall, of Warren.

Wm. S. Webster, sergeant at arms, returned the following writ, viz ;

STATE OF NORTH-CAROLINA.

TO WM. S. WEBSTER, *Principal doorkeeper, and, ex officio, sergeant at arms, of the House of Commons of North-Carolina :*

“WHEREAS, By a report made to the House of Commons from the committee on privileges and elections, the 20th of this month, it was shown that Geo. T. Cooke, had, in pursuance of authority theretofore conferred upon said committee, been summoned to appear and give evidence in a matter then pending before them, and that said Cooke, in contempt of this House and its authority, did neglect and refuse to appear, and the House, taking the matter into consideration, did then *resolve*, ‘That the Speaker of this House be instructed to cause the principal doorkeeper, William S. Webster, to take the body of Geo. T. Cooke, and have him before the House to show cause why he should not be committed for a contempt of this House, in not obeying a summons of the committee

on privileges and elections,' but that 'before the above resolution be carried into effect, the said Geo. T. Cooke shall be served with a notice, signed by the Speaker, to show cause why the attachment for contempt shall not be issued';

These are therefore to command you forthwith to summon the said Geo. T. Cooke to appear immediately at the bar of the House, to show cause, if any he hath, why he shall not be attached and committed for a contempt."

Witness, the Hon. THOMAS SETTLE, Jr., Speaker, and the signature and seal of the clerk thereof.

THOMAS SETTLE, S. H. C.

Test: EDW. CANTWELL, C. H. C.

January 22nd, 1859.

With the following endorsement:

"Executed, by delivering a true copy of the within on Geo. T. Cooke—W. S. WEBSTER."

The said George T. Cooke then appeared at the bar, and filed with the clerk the following statement, viz:

To the House of Commons of the General Assembly of North-Carolina:

"I am before your honorable body, in pursuance to a notice served upon me, signed by the Speaker, to show cause why I should not be committed for a contempt, in not appearing before the committee on privileges and elections, when I had been summoned by the chairman of that committee to do so and bring with me certain papers belonging to the post office.

I most respectfully submit to your honorable body, that I received a summons from the chairman of the committee on privileges and elections, requiring me to appear before the committee, at 4 o'clock, P. M., on a certain day then named, and bring with me certain post office way-bills in the post office; that the time I was required to appear, 4 o'clock, was the hour at which the U. S. mail arrives at the post office, and requires my whole attention to open and distribute its contents; that at that hour I was busily employed in the discharge of that duty; that I am required by the U. S. to have

the mail opened as speedily as possible ; that the regulations of the post office department require me to keep all the way-bills and papers of the office in the office, and not carry them out of it or allow them to be carried out.

I most respectfully say and assure your honorable body that I intended no disrespect to your committee or to you, in not obeying their summons. For the last three days, I have been absent from Raleigh on business, or I should have appeared before your committee before this time. I am now ready and will at any time appear before your committee and give evidence of whatever I may know of any matters which they may ask of me. And I am ready to bring any papers with me that I can consistently bring from the office and not infringe upon the laws of the U. S., and the orders of the post office department.

I most respectfully offer this as my excuse to your honorable House, assuring you that I did not intend any disrespect or contempt.

GEO. T. COOKE, P. M."

Whereupon,

On motion of Mr. Benbury,

Resolved, That George T. Cooke, summoned to appear before this House and show cause why he should not be committed for a contempt, having appeared at the bar of the House and submitted his excuse, for not obeying the summons of the committee on privileges and elections, in writing, his excuse is deemed by this House sufficient, and that he be discharged.

H. 108, Mr. Kerr's bill to establish the eighth judicial circuit. The question being "shall this bill pass the second reading?"

Mr. Bryan, of New Hanover, offered the following amendment :

"14 Brunswick, the 4th Monday after the 4th Monday 15 in March and September; New Hanover, the 5th Monday 16 day after the 4th Monday in March and September, and

17 shall continue two weeks successively, should the business
18 require it."

In the 14th line, strike out the words (as above written) and insert: "New Hanover, the 4th Monday after the 4th Monday in March and September, and shall continue two weeks successively, should the business require it; Brunswick, the 6th Monday after the 4th Monday in March and September."

And it was not adopted; and the question recurring was put and

Decided in the negative—Yeas, 23

Nays, 77

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Bridgers, Burke, Caldwell, of B., Costner, Dancy, Dickson, Dula, Faribault, Fleming, Gentry, Hall, of R., Harrington, Holdslaw, Kerr, Reeves, Sherrill, Smith, Sparrow, Stanford, Walker and Watters.

And the following in the negative, viz:

Messrs. Barbee, Benbury, Blount, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dockery, Eller, Fagg, Faison, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hargrove, Henry, Hester, Hill, of H., Hill, of S., Higgins, Hntchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, McCotter, Martin, Masten, Moore, of C., Moore of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Pritchard, Purdie, Reagan, Ripley, Roney, Sanders, Shaw, Simonton, Simpson, Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Wallace, Walser, Ward, Watson, Whitfield, Wilson, Williams, Windley and Woodlin.

So the bill did not pass the second reading.

H. 133, the bill to charter the Alamance Gold Mining Company, (the amendments being first adopted) passed the second reading.

H. 137, Mr. Smith's bill to change the terms of the supreme

court at Raleigh, (the amendments being first adopted) passed the second reading.

H. 179, the bill to charter the Bingham Coal Mining Company, (the amendment being first adopted) passed the second reading.

H. 286, Mr. Fagg's bill to establish a public road in the county of Madison, passed the second reading.

H. 150, Mr. Green's bill to prohibit the sale of spirituous liquors to free persons of color.

Mr. Newby offered the following amendment:

Insert between the word "to" and the word "any," the following: "Or buy for or be instrumental, either directly or indirectly, in procuring for;" and it was adopted, and the bill then passed the third reading.

H. 152, Mr. Bryan's bill to amend the charter of the Bank of Cape Fear. Laid on the table, on motion of Mr. Bryan.

H. 159, Mr. Baird's resolution in favor of J. H. Hilliard, did not pass the second reading.

H. 161, the substitute for the bill to prevent cumulative disabilities, introduced by Mr. Smith, the 10th of January last, being read, and the question thereon put, was adopted; and the bill, so amended, passed the second reading.

H. 188, Mr. Sparrow's bill to provide more effectually against the escape of slaves, (the amendments reported from the committee being first adopted,) passed the second reading.

And then, it being the hour for the adjournment,
The House adjourned.

NIGHT SESSION, MONDAY, JANUARY 24, 1859.

H. 383, Mr. Caldwell's bill relating to criminal trials in Burke county, passed the second reading, and,

On motion of Mr. Caldwell, of Burke,

The rules being suspended, passed the third reading, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Morehead,

The rules were suspended, and the following engrossed bills from the Senate were read, and passed the second and third readings, viz :

S. 489, bill to charter the North State Copper and Gold Mining Company ;

S. 490, bill to charter the Copper Hill Mining Company ;

S. 492, bill to charter the Guilford Gold Mining Company.

Ordered, That they be enrolled.

H. 132, Mr. William's bill to charter the Milton and Yanceyville Junction Railroad Company, being read the second time, and the question being "shall this bill pass the second reading?" was put, and

Decided in the negative—Yeas, 42

Nays, 53

On motion of Mr. Morgan,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Dula, Eller, Fagg, Fleming, Gaither, of D., Gaither, of I., Gentry, Hall, of R., Harrington, Hill, of S., Higgins, Holdscaw, Kerr, McKay, Martin, Moore, of C., Morehead, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Speer, Taylor, Walker, Wallace, Walser, Washburne, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bridgers, Bryan, of N. H., Bullock, Burke, Clapp, Cox, of P., Craven, Dancy, Faribault, Farrow, Ferebee, Fries, Gardener, Gatling, Green, of F., Hargrove, Henry, Hester, Hill, of H., Hutchins, Jones, of O., Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, Masten, Moore, of M., Moore, of N. H., Morgan, Newby, Norman, Outlaw, Purdie, Reeves, Sanders, Smallwood, Smith, Sparrow, Speight, Stephens, Tomlinson, Thornburg, Waddill, Ward, Watters, Watson and Whitfield.

So, the bill did not pass the second reading.

H. 203, Mr. Sparrow's bill to charter the Medical Society of North-Carolina.

On motion of Mr. Sparrow,

Laid on the table.

H. 204, Mr. Bridgers' bill to settle the county lines between Wayne and Wilson. The amendments being first adopted, the bill passed the second reading.

S. 210, to amend Revised Code, chapter 59, section 19, Executions, (the amendment being first rejected,) passed the second reading.

H. 216, Mr. Fleming's bill to amend the charter of the town of Salisbury being read the second time, the amendment of the committee was adopted, and the question recurring,

Mr. Fleming moved to amend section 1, chapter 9, by adding, after the word "whatsoever," the words "which are not of the product or manufacture of the State;" and it was adopted, and the bill, so amended, then passed.

H. 239, Mr. Walker's bill to limit the powers of constables in Cherokee county, (the amendments of the committee being adopted,) passed the second reading.

H. R. 246, Mr. Hargrove's resolution in favor of W. H. Gilliam, of Granville, being read the second time,

Mr. Simpson moved the same be indefinitely postponed, and the question thereon was put, and

Decided in the affirmative—Yeas, 98

Nays, 2

On motion of Mr. Simonton,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dockery, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Fries, Gaither of D., Gaither, of I., Gardener, Gentry, Green, of F., Hall, of R., Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Purdie,

Reagan, Reeves, Ripley, Roney, Sanders, Scales, Simonton, Shaw, Sherrill, Simpson, Smailwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Hargrove and Lyon.

So the resolution was indefinitely postponed.

H. 249, Mr. Norman's bill to regulate fishing in the Pamlico, Croatan, Hatteras, and other inlets. The question being "Shall this bill pass the second reading?"

On motion of Mr. Outlaw,

And at 9 o'clock 25m., the House adjourned.

TUESDAY, JANUARY 25, 1859.

Mr. Simpson presented the recommendation of certain justices for the county of Rockingham,

Mr. Burke, a similar recommendation for Alexander county,

Mr. Dickson, a similar recommendation for Cleaveland county,

Mr. Speer, a similar recommendation for Yadkin county,

Mr. Scales, a similar recommendation for Alamance county;

Which were severally concurred in and ordered to be sent to the Senate.

Mr. Newby presented a report and resolutions from the committee to investigate the condition of the Albemarle & Chesapeake Canal Company, as follows, viz :

"The joint select committee, to whom was referred the duty of investigating the financial condition of, as well as the progress of the work on, the Chesapeake & Albemarle canal, beg leave to introduce the following resolutions :

"*Resolved*, That it is the opinion of the committee, that in order to arrive at proper conclusions, in regard to the affairs of the company, and the condition of the work, it is absolutely necessary for some of the members of the committee,

(say two on the part of the Senate and three on the part of the House,) to visit the canal and report on their return.

Resolved, That the Speaker of this House appoint any three of said committee to visit said work and examine its condition, and also to investigate the accounts of the company, and report fully thereupon to this House as early as possible."

Mr. Ferebee offered the following amendment :

"And that the committee have authority to employ, if they deem it necessary, some competent engineer, other than the one in the employment of the company, to measure the work so far as completed, and require of him a statement of the proper estimate of the work."

To be added to the resolutions ; and it was adopted.

Mr. Caldwell, of Burke, offered the following resolution :

Resolved, That the joint select committee, appointed to investigate the affairs of the North-Carolina Railroad Company, be instructed to enquire whether the statement, published in the "North-Carolina Standard," of December 16, 1858, over the signature of a "North-Carolinian," showing the number of passengers and amount of freight going eastward, from the depots on the North-Carolina railroad, of Salisbury, Lexington, High Point and Greensboro', be correct and true as therein set forth ; and should said committee find said statement to be untrue, that they enquire and report to this House in what the misstatement consists, and whether the individual making it was an official, in or in any manner connected with the management of said road, and by whom said statement was made, and why it was incorrectly made ; and that said committee report, at as early a day as is practicable to this House.

Mr. Fleming moved to postpone the question indefinitely, and the question being thereon,

Mr. Williams moved the same be laid upon the table ; and the question being thereon, was put, and

Decided in the affirmative—Yeas, 55

Nays, 47

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Bridgers, Bryan, of N. H., Bullock, Burke, Byrd, Cox, of J., Dancy, Faison, Faribault, Ferebee, Fleming, Foy, Gentry, Green, of F., Hall, of R., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Lewis, Long, Love, Lyon, Masten, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Newby, Norman, Reagan, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stephens, Tomlinson, Thompson, Ward, Washburne, Wilson and Williams.

And the following in the negative, viz :

Messrs. Benbury, Blount, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Harrington, Henry, Leak, McCotter, Martin, Morehead, Morgan, Outlaw, Pritchard, Purdie, Ripley, Sanders, Simonton, Smith, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Watters, Watson, Windley, and Woodfin.

Mr. Fleming moved that the vote, by which the House had yesterday adopted the resolution concerning amendments, etc., on the journal, be reconsidered, and the question thereon was put, and

Decided in the negative—Yeas, 25

Nays, 77

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Blount, Bryan, of N. H., Burke, Cox, of P., Dancy, Fleming, Fries, Gentry, Green, of F., Hall, of R., Hester, Hill, of H., Holdsclaw, Jones, of O., Love, Masten, Reagan, Sherrill, Stanford, Wallace, Ward, Washburne, Wilson and Williams.

And the following in the negative, viz :

Messrs. Badham, Baird, Baxter, Benbury, Bridgers, Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dickson, Dock-

ery, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Hargrove, Harrington, Henry, Hill, of S., Higgins, Kerr, Kirby, Leak, Leffers, Lewis, Long, Lyon, McCotter, McKay, Martin, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Outlaw, Pritchard, Purdie, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Watters, Watson and Windley.

Mr. Jones, of O., moved that the vote, by which the House had yesterday rejected the bill to charter the Milton and Yanceyville Junction Railroad Company, be reconsidered ; and it was not adopted.

Messages were received from the Senate, transmitting certain engrossed bills, noticed on the calendar.

Another proposed that the General Assembly adjourn *sine die*, on Tuesday, the 8th of February next ; and the question being, "shall the House concur therein ?"

Mr. Scales moved the same be laid upon the table ; and the question thereon was put, and

Decided in the affirmative—Yeas, 54

Nays, 48

On motion of Mr. Stephens,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Fagg, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Harrington, Hill, of S., Higgins, Holdsclaw, Hutchins, Kerr, Kirby, Leffers, Love, Masten, Moore, of C., Moore, of N. H., Morehead, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Taylor, Thornburg, Walker, Wallace, Walser, Watters, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Baxter, Benbury, Blount, Bridgers, Bul-

lock, Chambers, Cox, of P., Dancy, Dickson, Dockery, Dula, Eller, Farrow, Ferebee, Gatling, Hargrove, Hester, Hill, of H., Jones, of O., Leak, Lewis, Long, Lyon, McCotter, Martin, Moore, of M., Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Reagan, Sanders, Smallwood, Smith, Speer, Speight, Stanford, Stephens, Tomlinson, Thompson, Waddill, Ward, Washburue, Watson, and Windley.

So the message was laid on the table.

Bills and resolutions were introduced and referred as follows, viz:

By Mr. Love: resolution (493) in favor of William Green.

By Mr. Bryan, of New Hanover: bill (494) to regulate the appointment of gaugers.

The following engrossed bills and resolutions were received from the Senate, viz:

S. R. 495, in favor of Bart. F. Witty.

S. 496, concerning the town of Wilmington.

S. 497, to charter McLendon's Creek Navigation Company.

S. R. 498, in favor of Wm. J. W. Crowder.

S. R. 499, concerning Vol. 2, Revised Statutes.

S. R. 500, in favor of C. N. White, of Cabarrus.

S. 501, to charter the Phoenix Mining Company.

S. 502, concerning Mount Vernon Male and Female Academy. Corporations.

S. 503, concerning the county court of Caldwell, and the town of Lenoir.

S. 504, to alter the boundary between Ashe and Surry.

S. 505 to charter the New-Berne Gas Light Company.

S. 506, to charter the Dawson Steamboat Company.

S. 507, to charter the Warrenton Savings Bank.

S. 508, to charter the Raleigh Gas Light Company.

S. 509, to amend the charter of Normal College.

S. 510, to charter Pleasant Grove Camp Ground.

S. 511, to charter Baltimore and New-Berne Steamship Company.

The House then resumed the consideration of

H. 380, revenue bill—the question being “shall the bill pass the third reading?”

Mr. Ward moved that the order, by which the House had agreed to consider the bill section by section only, be reconsidered; and the question thereon was put, and

Decided in the negative—Yeas, 16

Nays, 86

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bryson, Caldwell, of G., Dockery, Henry, Kerr, Kirby, Lewis, Love, Martin, Moore, of N. H., Outlaw, Sanders, Simonton, Stanford, Stephens and Ward.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Burke, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dula, Eller, Fagg, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of O., Leak, Leffers, Long, Lyon, McCotter, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Norman, Pritchard, Pnrdis, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Ward then moved that the House resolve itself into a committee of the whole for the consideration of the bill, and it was not adopted,—there being counted yeas 40, nays 50.

The Clerk then read the first section, when Mr. Ward moved the following amendments :

(1) Sec. 1. Strike out the words "July, 1859," and insert "April, 1860," in 6th line: Strike out "four" and insert "five" in 5th line: Strike out "district" in 9th line.

(2) Sec. 2. Strike out "district" in 1st line.

(3) Sec. 6. Strike out whole.

(4) Sec. 7. Strike out the word "preceding" and insert "38th" in 3d line.

(5) Sec. 8. Strike out whole.

(6) Sec. 9. Strike out "affidavits and oaths" and insert "affidavit and oath" in the 4th line.

(7) Sec. 10. Strike out all between the word "requisite" in 3d line and "they" in the 5th line.

(9) Sec. 11. Strike out "district" in 1st line: Strike out "1st of January" in 5th line, and insert "first day of the first term of the court of pleas and quarter sessions of their county held after the first Thursday in August."

(10) Sec. 12. Strike out the whole and insert: "the justices of the peace appointed to take the tax lists, and assist in assessing the real estate of their respective districts, shall return their tax lists, with the valuation of each tract of land and town lot, with the improvements thereon and minerals therein, and privileges and appurtenances pertaining thereto, as the same may be assessed by the board of valuation, to the first term of their respective county courts held after the first Thursday in August next after their appointment."

(11) SEC. 13. Strike out the whole, and insert: "the clerks of the county courts shall, on receiving the tax lists from the boards of valuation, record them in alphabetical order, keeping the list for each district separate from the others; and any citizen considering himself injured by too high an assessment of his real estate may petition the county court for relief, and every citizen deeming that too low a valuation has been laid on any district tract of land or town lot may complain to the court of the same, and, in either case, the court shall enquire into the merits of the case, by examining on oath such witnesses or officers as may be presented to them, and make such orders altering the amounts fixed by the boards of valuation as justice requires; and the same shall be by the clerks entered on the tax lists in the proper place, and sent to the takers of tax lists, afterwards appointed as the true assessment of the tracts of land or town lots thus reassessed."

The chair (Mr. Scales,) decided that it was not in order,

under the rule, to propose to amend the second or subsequent sections, while the first only was under consideration.

Mr. Ward then withdrew the amendments, and offered No. 1 as an amendment to section 1 ; and the question being thereon, it was not adopted.

Mr. Smith offered the following :

Strike out the words "respectable" and "known" in line 7 ; strike out, in lines 8 and 9, "these three men," and insert, in lieu of them, "who ;" and it was adopted.

Section 2 read, and Mr. Ward's amendment No. 2, was rejected.

Mr. Caldwell, of Burke, offered the following amendment :

Provided however, That no building, except such as contains machinery operated by steam or water power, shall be taken into consideration in estimating the cash value, as contemplated in this section.

And the question thereon was put, and

Decided in the negative—Yeas, 3

Nays, 95

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Caldwell, of B., Fagg and Gentry.

And the following in the negative, viz :

Messrs. Badham, Baird, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dockery, Dula, Eller, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kirby, Leak, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Mordecai, Newby, Norman, Outlaw, Pritchard, Purdie, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace,

Walser, Ward, Washburne, Watters, Watson, Williams, Windley and Woodfin.

Section 3 read, and Mr. Baird offered the following amendment:

Strike out the words "or supposed to exist" in the 5th line; and it was not adopted.

Mr. Fagg offered the following:

Strike out from "also" in the 6th line to "land" in the 8th line, inclusive; and it was not adopted.

Section 4 read, and Mr. Woodfin offered the following:

In 3d line strike out "including land entries;" and it was not adopted.

Section 5 read.

Section 6 read, and Mr. Simpson offered the following:

Insert in line 5, after the word "district," "with the full number of acres each one contains;" and it was not adopted.

The question then being upon amendment No. 3, of Mr. Ward, it was not adopted.

Section 7 read, and Mr. Ward's amendment rejected.

Mr. Outlaw offered the following:

Strike out from the word "forthwith" in the 6th line to the word "sureties" in the 6th line, inclusive, and insert "shall bind him over to appear at the next term of the superior court of the county to answer the charge;" and it was adopted.

Section 7 read, and Mr. Ward's amendment, No. 4, pending, the hour for the adjournment arrived, and

The House adjourned.

NIGHT SESSION—TUESDAY, JANUARY 25, 1859.

The House resumed the bill No. 249, to regulate fishing in Pamlico and other sounds and inlets.

Mr. Farrow moved the same be indefinitely postponed.

Mr. Moore, of Martin, offered a substitute for the bill, which is as follows:

1. That hereafter no seine or nett of any description whatever shall be set or hauled either at Ocracoke, Hatteras or

New Inlets, nor within a space of at least two miles wide following the main and usual channel of navigation from Ocracoke and Hatteras inlets to the Long Shoal light-vessel, and thence to the Roanoke Marshes; nor within a space of at least one mile wide following the main and usual channel of navigation from said Roanoke Marshes to Croatan light-vessel, and thence along the main channel, at least eight miles into the Albemarle Sound; nor within the same space following the main channel of Croatan Sound, on the east side of Roanoke Island, at least into Albemarle Sound, from the 1st day of January to the 1st day of May in each and every year.

2. That it shall not be lawful, from the 1st day of February to the 1st day of May, for any person to haul or lay out any seine or nett in the waters of Pamlico, Albemarle, Roanoke or Croatan Sounds, or their tributaries, or suffer them to remain in said waters (unless prevented by stress of weather from taking such seines or netts out of the water) from six o'clock, Saturday night to six o'clock, Monday morning, under a penalty of forfeiting, for each offence, five hundred dollars, one-half to the use of the person who will sue for the same, and the other half to the use of the State, to be recovered by action of debt in any court having jurisdiction thereof.

3. That any person laying out a seine before five o'clock, Saturday night, and drawing in the same as speedily as practicable, shall not incur the penalties imposed by this act.

4. That every person violating the provisions of the 1st section of this act shall forfeit and pay for each offence the sum of one hundred dollars; one half to the use of the person who will sue for the same, and the other half to the use of the State, to be recovered by action of debt in any court having jurisdiction thereof.

5. That in addition to the penalties imposed in the foregoing sections, every violation of this act shall be deemed a misdemeanor, and every person convicted of the same shall be fined not less than fifty dollars, and imprisoned for a term not longer than three calendar months, one or both, at the discretion of the court.

6. That it shall be the duty of the presiding judge in the

Superior Courts of Currituck, Tyrrel and Hyde to give this act specially in charge to the grand juries of said counties; and it shall also be the duty of the county solicitors in the said counties to give the same in charge to the grand juries of the county courts.

7. That all laws and clauses of laws coming within the per-view and meaning of this act are hereby repealed, and this act shall be in force from and after its ratification.

And the question being thereon, Mr. Outlaw offered the following as a substitute therefor, viz:

"It shall not be lawful, from the 15th February to the 15th of May, for any person to haul or lay out any seine or nett in the waters of Pamlico, Albemarle, Roanoke or Croatan sounds, or their tributaries, or suffer them to remain in said waters, unless prevented by stress of weather from taking such seines or netts out of the water, from 12 o'clock Saturday night until 1 o'clock Monday morning, under the penalty of forfeiting for each offence \$500, one-half to the use of any person who will sue for the same, and the other half to the use of the State, to be recovered by action of debt in any court having jurisdiction thereof.

"Any person laying out a seine before 11 o'clock, on Saturday night, and drawing in the same as speedily as practicable, shall not incur the penalties imposed by this act.

"Any person violating the provisions of this act, in addition to the penalties imposed by the first section, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$50, and imprisoned for a term not longer than three calendar months, one or both, at the discretion of the court."

And the question being thereon, Mr. Badham moved the same be referred to a special committee, to be composed of one of the members of this House from each of the counties of Currituck, Bertie, Hyde, Camden, Tyrrell, Gates, Pasquotank, Perquimans, Chowan, Hertford, Washington and Martin; and it was adopted.

Mr. Badham, then, by general consent, presented the memorial of John H. Leary, and others, opposed to further leg-

isolation upon the subject ; which was, on his motion, referred to the committee just ordered to be constituted.

On motion of Mr. Sparrow,

H. 203, the bill to charter the Medical Society of North-Carolina, was taken up and considered, and the amendments of the committee being first adopted, and the question being "shall this bill pass the second reading?"

Mr. Henry offered the following amendments :

(1) In section 8, 2nd line, strike out all after the words "North-Carolina," to the word "elect," in the 6th line, and insert the word "to" in the place of "shall."

(2.) Insert, in the 7th line, the word "six" after the word "of" and before "years."

(3.) In section 9, lines 2 and 3, strike out all after the word "shall" to the word "assemble," in the 4th line.

(4.) In section 10, 8th line, strike out the word "said" and insert "all;" and in the 9th line, strike out all after the word "vacancies."

(5.) In section 13, 3rd line, insert the word "four" before "dollars."

(6.) Section 18, 2nd line, insert the word "fifteenth" before the word "day;" and in the same line, insert the words "April, 1859," before the word "of."

Mr. Ferebee offered the following amendment :

Be it further enacted, That the members of the State Medical Society shall have power to select the board of medical examiners, except when the legislature chooses to exercise this right.

Thereupon, Mr. Henry withdrew his amendment No. 1, and the amendment of Mr. Ferebee was adopted.

Mr. Watters offered the following :

Insert after the word "Raleigh," at the end of line 4, section 9, the words "and Morganton, alternately;" and it was adopted.

Mr. Foy offered the following amendment :

Be it further enacted, That any man who reads his books and studies shall have liberty to practice medicine, whether

he gets a certificate or appears before the board of examiners, or not.

And it was not adopted.

The question then being upon the amendments of Mr. Henry, they were severally adopted ; and the question recurring,

Mr. Morehead offered the following amendment :

Be it further enacted, That the legislature shall, at all times, have power to alter, amend or repeal this charter, at pleasure.

Which was adopted.

The question was then put, and

Decided in the affirmative—Yeas, 67

Nays, 27

On motion of Mr. Washburne,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Baxter, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Chambers, Craven, Dockery, Drake, Eller, Faison, Faribault, Ferebee, Fries, Gaither, of D., Gatling, Green, of F., Hall, of R., Hargrove, Harrington, Henry, Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Long, Love, Lyon, McKay, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Newby, Norman, Outlaw, Pritchard, Purdie, Ransom, Roney, Scales, Shaw, Sherrill, Simpson, Smith, Sparrow, Speight, Stanford, Taylor, Thornburg, Waddill, Wallace, Walser, Watters, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Byrd, Caldwell, of G., Clapp, Costner, Cox, of P., Dancy, Dula, Fagg, Farrow, Foy, Gaither, of I., Gentry, Hall, of W., Hill, of S., Leak, Lewis, McCotter, Morgan, Reagan, Sanders, Simonton, Speer, Stephens, Tomlinson, Thompson, Washburne and Wilson.

The Speaker announced the following committee upon the bill (No. 249) concerning the Croatan and other fisheries, viz ; Messrs. Badham, Outlaw, Farrow, Ferebee, Benbury,

Newby, Morgan, Gatling, Smith, Moore, of Martin, Norman and Baxter.

On motion of Mr. Moore, of Martin,
Messrs. Hill, of Halifax, and Smallwood were added to the committee.

On motion of Mr. Badham,
Mr. Leffers was added to the committee.

At 9 o'clock 20m., Mr. Eller moved the House adjourn,
and the question thereon was put and

Decided in the affirmative—Yeas, 49

Nays, 45

On motion of Mr. Simonton,
The yeas and nays were ordered, and the following voted
in the affirmative, viz:

Messrs. Badham, Baxter, Blount, Bridgers, Bryan, of N. H., Burns, Caldwell, of G., Clapp, Craven, Dancy, Dockery, Drake, Eller, Fagg, Faribault, Ferebee, Fries, Gaither, of D., Gardener, Gatling, Gentry, Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of S., Holdselaw, Hutchins, Kerr, Leak, Leffers, McCotter, McKay, Martin, Masten, Morgan, Newby, Outlaw, Ripley, Roney, Shaw, Simpson, Sparrow, Stanford, Walser, Washburne, Wilson and Windley.

And following in the negative, viz:

Messrs. Baird, Brummell, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Costner, Cox, of P., Dickson, Dula, Farrow, Foy, Gaither, of I., Hargrove, Hill, of H., Higgins, Lewis, Long, Lyon, Moore, of M., Moore, of N. H., Morehead, Pritchard, Purdie, Ransom, Reagan, Sanders, Scales, Sherrill, Simonton, Smallwood, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Ward, Watters, Watson and Woodfin.

So the House adjourned.

WEDNESDAY, JANUARY 26, 1859.

Mr. Bryan, of New Hanover, filed a recommendation of certain persons for justices of the peace for the county of New Hanover.

Mr. Higgins, a similar recommendation for the county of McDowell.

Mr. Moore, a similar recommendation for Chatham county.

Mr. Hill, of Halifax, introduced the following resolutions:

Resolved, That after Monday next, no member of this House shall speak upon any question longer than ten minutes, unless, on motion, two-thirds of the House shall extend the time.

Resolved, That on and after Monday next, the House of Commons meet at 9½, and adjourn at 1½, and meet again at 7, P. M., and adjourn at 9½, P. M., unless the House should indicate its pleasure to continue longer in session.

Resolved, That after Monday next, the standing and select committees of this House be discharged from the further consideration of the business before them, and are instructed to report back on the 31st., all bills, resolutions or other matter before them, whether acted on or not.

Laid over one day under the rule.

Mr. Caldwell, of Burke, filed notice of intention to call up the bill (394) to amend the charter of the Western North-Carolina Railroad Company.

Bills, etc., of the following titles, were introduced, passed the first reading, and were referred or disposed of, as follows:

By Mr. Sparrow: bill (512) to charter Washington Gaslight Company.

By Mr. Smith: bill (513) to amend Revised Code, chapter 26, Corporations. Judiciary.

By Mr. Ward: bill (514) to regulate internal improvements. Internal improvements.

By Mr. Holdsclaw: bill (515) to establish two roads in McDowell and Yancy.

From the Senate: bill (S. 516) to amend the charter of the Petersburg and Roanoke Railroad Company.

The House resumed the consideration of

H. 380, section 7, revenue—the pending question being upon the amendment of Mr. Ward (No. 4) and it was rejected.

Section 8 read, and Mr. Walser offered the following:

In line 6, after the word "list," insert "contained in your grant, deed, entry, or other titles;" and it was adopted.

Mr. Ward's amendment, No. 5, was not adopted.

Section 9 read, and Mr. Ward's amendment (No. 6) rejected.

Section 10 read, and Mr. Ward's amendment (No. 7) not adopted.

Mr. Byrd moved that the whole section be stricken out, and it was not adopted.

The vote being reconsidered, Mr. Morehead offered the following:

Strike out "shall" and insert "may;" and it was adopted.

Mr. Byrd moved again to strike out the section, and it was not adopted.

Section 11 read, and Mr. Ward's amendment (No. 9) not adopted.

Section 12 read, and Mr. Ward's amendment (No. 10) rejected.

Section 13 read, and Mr. Ward's amendment (No. 11) not adopted.

Mr. Byrd moved to amend as follows:

Strike out the whole revenue bill, and insert the old bill with the 3 cents on each poll, 5 cents on \$300 value of all articles subject to be taxed; and it was ruled out of order.

Mr. Williams moved to amend as follows:

Strike out in line 5 and 6 all after the word "assessed" and before the word "they," and insert "according to its cash value;" and it was not adopted.

Sections 14 and 15 read, and passed.

Section 16 read, and Mr. Morehead moved to amend:

Strike out in line 16 the word "shall" and insert "may:" Strike out "no" and insert "any:" After the word "appeal" add "to the superior court;" and it was not adopted.

Mr. Shaw offered the following:

Strike out "April" in the 10th line and insert "March;" and it was not adopted.

Sections 17 and 18, read and passed.

Section 19 read, and Mr. Gaither, of Iredell, offered the following:

Strike out, in the 4th and 5th lines, after "peace" the words "or a freeholder of known skill and probity;" and it was not adopted.

Sections 20, 21, 23, 24 and 25 read and passed.

Section 26 read, and Mr. Sparow offered the following amendment:

Insert after "Gospel" in line 12 the words "or the residence of the pastors of churches;" and it was not adopted.

Section 27 read, and Mr. Fries moved as follows:

Insert in the 6th line "under oath" between "rendered" and "to;" and it was adopted.

Section 28 clause 1 read, and Mr. Gaither moved to amend:

Strike out in 2nd line "20 cents" and insert "18 cents;" and it was not adopted.

Mr. Leak moved to amend:

In schedule A. paragraph 1, strike out "twenty and insert "fifteen;" and it was not adopted.

Mr. Byrd moved the section be indefinitely postponed; and it was not adopted.

Mr. Leak moved to amend as follows:

Strike out "80 and insert "100," and it was not adopted.

Mr. Ferebee offered the following as a substitute:

Strike out "80" and insert "66 $\frac{2}{3}$ " and it was not adopted.

Clause 2 read and adopted.

Clause 3 read, and pending the same,

Mr. Shaw submitted the following report:

The committee on enrolled bills have examined,

S. 489, to charter the North State Copper and Gold Mining Company.

S. 490, act to charter the Copper Hill Mining Company.

S. 492, act to charter the Guilford Copper and Gold Mining Company.

And find the same truly enrolled and ready for ratification; and the Speaker thereupon signed the same.

H. 380, section 28, clause 3 resumed, and Mr. Speer offered the following:

Strike out "fifteen" and insert "ten;" and it was not adopted.

Mr. Walser offered the following:

Insert in the 3d line "unless where the same shall cross some stream or river at a horse ford, and, in that case, \$5;" and it was not adopted.

Mr. Smith, the following:

After "bridge" in the 1st line, insert "not owned or kept by a county;" and it was not adopted.

Mr. Morehead, the following:

"Except gates pertaining to toll bridges," to be added to the section; and it was not adopted.

Mr. Martin offered the following:

Strike out all after the word "receipt," and it was not adopted.

Mr. Morehead offered the following:

"Strike out "five" and insert "one" in the 1st line, and it was not adopted.

Mr. Williams offered the following:

Insert the words "by the county court" in the 3rd line, between the word "permitted" and the word "to;" and it was adopted.

Mr. Smith moved to reconsider the vote upon the adoption of section 26, and it was not adopted.

Clause 4 read and adopted.

Clause 5 read, and Mr. Fries moved to amend as follows:

Add "this subject shall be listed and the tax paid in the county in which the owner resides;" and it was adopted.

Clause 6 read, and Mr. Craven offered the following:

Strike out "four" in the 8th line and insert "five;" and the question being put, first on the motion to strike out, it was

Decided in the negative—Yeas, 27

Nays, 70

On motion of Mr. Martin,

The yeas and nays were ordered, and the following members voted in the affirmative, viz:

Messrs. Baird, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Dula, Eller, Fagg, Gaither, of D., Green, of C., Leak, Martin, Purdie,

Reagan, Simonton, Speer, Taylor, Thornburg, Waddill, Wal-ker, Walser, Watters, and Woodfin.

And the following voted in the negative, viz :

Messrs. Badham, Barbee, Blount, Bridgers, Bryan, of N. H., Bullock, Burns, Burke, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Drake, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leffers, Lewis, Lyon, McCotter, McKay, Masten, Moore, of M., Morehead, Morgan, Mordecai, Outlaw, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thompson, Ward, Washburne, Watson, Wilson, Williams and Windley.

Mr. Smith offered the following :

Strike out the words "wherever they may reside," and insert "resident in this State."

Clause 7 read, and Mr. Martin moved to amend as follows :

Strike out "four" and insert "five," and it was not adopted.

Clause 8 read and adopted.

Clause 9 read, and Mr. Speer moved to amend by striking out "one per cent.," in the 4th line, and inserting "one and one-fourth per cent."

Mr. Stanford moved to amend this amendment by striking out and inserting "one-half of one per cent.;" and the question being thereon, and a division called for, and,

On motion of Mr. Fagg,

The yeas and nays being ordered thereon,

The hour for the adjournment arrived, and the House adjourned.

NIGHT SESSION—WEDNESDAY, JANUARY 26, 1859.
Pursuant to notice, and,

On motion of Mr. Walser,
The House considered, under a suspension of the rules,

H. 358, Mr. Gentry's bill to extend the time for perfecting titles in certain cases; and the same passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

Notices were filed with the clerk, pursuant to the rule concerning motions on the calendar, by the following named members:

By Mr. Thompson, in No. 424.

By Mr. Hall, of Warren, in No. 507.

By Mr. Fries, in Nos. 349, 373, 410, 442, 444.

By Mr. Moore, of New Hanover, in No. 301.

H. 13, Mr. Williams' bill to repeal Revised Code, chapter 114, Usury, and for other purposes, being read the second time, and the question put "Shall this bill pass the second reading?"

Mr. Dortch moved to amend the same by striking out all after the enacting clause and inserting the bill 401, introduced by Mr. Fries, from the committee on finance.

Mr. Ferebee moved the bill and substitute be indefinitely postponed, and the question thereon was put, and

Decided in the affirmative—Yeas, 75

Nays, 29

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Benbury, Brummell, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Chambers, Costner, Cox, of J., Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Lewis, Long, Love, Lyon, McCotter, Martin, Masten, Moore, of M., Morehead, Morgan, Norman, Outlaw, Purdie, Reagan, Reeves, Ripley, Sanders, Sherrill, Simonton, Simpson, Smallwood, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Bryan, of N. H., Burns, Dancy, Dortch, Drake, Faison, Fries, Jones, of O., Kerr, Kirby, Leak, Leffers, McKay, Moore, of C., Moore, of N. H., Pritchard, Ransom, Roney, Scales, Shaw, Smith, Speight, Stanford, Thompson, Ward, Washburne, Watters and Williams.

H. 32, Mr. Foy's bill to charter a railroad from the Coal-fields to Beaufort Harbor, the amendments of the committee being adopted, passed the second reading.

H. 36, Mr. Dula's bill to exempt certain property from execution, was,

On motion of Mr. Masten,
Indefinitely postponed.

H. 253, Mr. Reagan's bill to restore jury trials to the county of Gaston being read, passed the second reading, and, the rules being suspended, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 254, Mr. Hutchins' bill to charter the Deep River Coal-fields Railroad Company, was,

On motion of Mr. Hutchins,
Indefinitely postponed.

H. 255, Mr. Pritchard's bill to improve Big Sugar Creek, in Mecklenburg county, did not pass the second reading.

H. 264, Mr. Lewis' bill to consolidate the offices of superior court clerk and clerk & master in equity did not pass the second reading.

H. 267, Mr. Dortch's bill to add a fourth judge to the supreme court of North-Carolina being read the second time, and the question put "shall this bill pass the second reading?"

It being 9 o'clock 20m., Mr. Outlaw moved the House adjourn; and the question thereon was put and

Decided in the negative—Yeas,	35
Nays,	68

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Burns, Caldwell, of G., Clapp, Cox, of J., Craven, Dancy, Dortch, Drake, Fagg,

Ferebee, Gaither, of D., Gentry, Green, of F., Hall, of W., Hill, of S., Kerr, Leak, Love, Masten, Morehead, Morgan, Reeves, Shaw, Simpson, Sparrow, Stanford, Thompson, Wallace, Ward, Washburne, Wilson and Windley.

And the following in the negative, viz :

Messrs. Baird, Brummell, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Caldwell of B., Chambers, Costner, Cox, of P., Dickson, Dockery, Dula, Eller, Faison, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Green, of C., Hall, of R., Hargrove, Harrington, Hill, of H., Higgins, Holdscaw, Hutchins, Jones, of O., Kirby, Leffers, Lewis, Long, Lyon, McKay, Martin, Moore, of C., Moore, of M., Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Scales, Sherrill, Simonton, Smallwood, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Watters, Watson, Williams and Woodfin.

So the House refused to adjourn. And the question recurring, Mr. Hill, of S., moved the bill be laid upon the table ; and the question being thereon,

At 9 o'clock 31m., Mr. Kerr moved the House adjourn ; and the question thereon was put and

Decided in the negative—Yeas, 23

Nays, 77

On motion of Mr. Moore, of Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Bryan, of N. H., Dancy, Dortch, Drake, Fagg, Ferebee, Green, of F., Hall, of W., Kerr, Leak, Love, Morgan, Roney, Shaw, Smith, Sparrow, Stanford, Thompson, Wallace, and Wilson.

And the following in the negative, viz :

Messrs. Baird, Barbee, Brummell, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Faison, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Hargrove, Harrington, Hill, of H., Hill, of

S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leffers, Lewis, Long, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Norman, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Simonton, Simpson, Smallwood, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Windley and Woodfin.

So the House refused to adjourn, and the question recurred, "shall this bill be laid upon the table?" and it was put and decided in the affirmative.

At 9 o'clock, 45m., Mr. Fagg moved the House adjourn; and the question thereon was put, and

Decided in the negative—Yeas,	27
Nays,	69

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Burke, Clapp, Faribault, Ferebee, Fleming, Fries, Green of F., Hall, of R., Hall, of W., Hill, of H., Hill, of S., Hutchins, Jones, of O., Leak, Leffers, Love, Lyon, Norman, Roney, Shaw, Smith, Stanford, Thompson, Watters, Wilson and Williams.

And the following in the negative, viz:

Messrs. Baird, Barbee, Benbury, Brummell, Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Foy, Gaither, of L., Gardener, Gatling, Gentry, Green, of C., Hargrove, Harrington, Higgins, Holdsclaw, Kerr, Lewis, Long, McKay, Martin, Masten, Moore, of C., Moore, of M., Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watson, Windley and Woodfin.

H. 265, Mr. Watters' bill to establish the county of Dickson. The question being, "shall this bill pass the second reading?"

Mr. Caldwell, of Guilford, moved the same be indefinitely postponed.

Mr. Bryan, of New Hanover, moved the same be laid on the table, and the question was put, and decided (the Speaker voting in the negative,) in the negative—Yeas, 42
Nays, 42

On motion of Mr. Watters,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Brummell, Bryan, of N. H., Bullock, Caldwell, of G., Clapp, Cox, of P., Craven, Dancy, Drake, Faison, Faribault, Ferebee, Foy, Green, of C., Green, of F., Hall, of W., Hargrove, Hill, of H., Hill, of S., Hutchins, Jones, of O., Lewis, Long, Lyon, Masten, Moore, of M., Purdie, Ransom, Sanders, Sherrill, Smallwood, Smith, Sparrow, Speight, Stephens, Tomlinson, Thompson, Thornburg and Windley.

And the following in the negative, viz :

Messrs. Baird, Bryson, Burke, Caldwell, of B., Cox, of J., Dickson, Dockery, Eller, Fagg, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Hall, of R., Harrington, Higgins, Holdsclaw, Leak, Leffers, Love, McKay, Martin, Moore, of C., Pritchard, Ripley, Scales, Shaw, Simonton, Simpson, Speer, Stanford, Taylor, Waddill, Walker, Walser, Ward, Watters, Watson, Wilson, Williams and Woodfin.

Mr. Outlaw then moved there be a call of the House ; and the question thereon was put, and

Decided in the negative—Yeas, 43
Nays, 45

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Brummell, Bryson, Burke, Caldwell, of B., Caldwell, of G., Clapp, Cox, of P., Craven, Dickson, Dockery, Fagg, Faison, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Higgins, Holdsclaw, Leffers, Love, Martin, Norman, Outlaw, Pritchard, Purdie, Sanders, Simonton, Simpson, Speer, Speight, Stephens, Taylor, Tomlinson, Thorn-

burg, Waddill, Walker, Walser, Washburne, Watson, Windley and Woodfin.

And the following voted in the negative, viz :

Messrs. Barbee, Bryan, of N. H., Bullock, Chambers, Costner, Cox, of J., Dancy, Drake, Eller, Faribault, Fleming, Foy, Fries, Gardener, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Hutchins, Jones, of O., Leak, Lewis, Long, Lyon, McKay, Masten, Moore, of C., Moore, of M., Ransom, Ripley, Roney, Scales, Shaw, Sherrill, Smallwood, Smith, Stanford, Thompson, Ward, Watters, Wilson and Williams.

The question recurring on the passage of the bill its second reading, was put, and

Decided in the negative—Yeas, 23

Nays, 57

On motion of Mr. Watters,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryson, Eller, Fagg, Gaither, of I., Hall, of R., Harrington, Hill, of S., Higgins, Holdslaw, Love, McKay, Martin, Pritchard, Ripley, Simonton, Speer, Walker, Washburne, Watters, Watson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Brummell, Bryan, of N. H., Bullock, Burke, Caldwell, of G., Chambers, Clapp, Cox, of J., Cox, of P., Craven, Dancy, Drake, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Green, of F., Hall, of W., Hargrove, Hill, of H., Hutchins, Jones, of O., Leak, Leffers, Lewis, Long, Lyon, Masten, Moore, of C., Norman, Purdie, Ransom, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Waddill, Walser, Ward, Williams and Windley.

So the bill did not pass the second reading.

At 10 o'clock 25m., Mr. Harrington moved the House do now adjourn, and the question thereon was put, and

Decided in the affirmative—Yeas, 64

Nays, 24

On motion of Mr. Stephens,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Brummell, Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of G., Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Drake, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Fries, Gardener, Green, of F., Hall, of R., Hall, of W., Harrington, Hill, of H., Hill, of S., Holdselaw, Hutchins, Jones, of O., Leak, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Moore, of C., Morgan, Norman, Purdie, Ransom, Ripley, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Thompson, Ward, Washburne, Watters, Watson, Wilson, Williams, and Windley.

And the following in the negative, viz :

Messrs. Baird, Caldwell, of B., Dickson, Dockery, Dula, Foy, Gaither, of D., Gaither, of I., Hargrove, Higgins, Kerr, Martin, Outlaw, Pritchard, Simonton, Speer, Stephens, Stanford, Taylor, Thornburg, Waddill, Walker, Walser, and Woodfin.

So, it being 10 o'clock 30m., the House adjourned.

THURSDAY, JANUARY 27, 1859.

Mr. Sherrill presented the recommendation of certain persons for justices of the peace in the county of Catawba.

Mr. Hill, of Stokes, a similar recommendation for Stokes county.

Mr. Sanders, a similar recommendation for Johnston.

Mr. Gentry, a similar recommendation for Ashe.

Mr. Bryan, of New Hanover, a similar recommendation for New Hanover.

Concurred in and

Ordered, To be sent to the Senate.

The House then considered the resolutions of Mr. Hill, of Halifax, introduced yesterday ; and resolution, No. 1, being read, and the question put,

Mr. Outlaw moved the same be laid on the table; and the question thereon was put, and

Decided in the affirmative—Yeas, 52

Nays, 51

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Blount, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dickson, Fagg, Faison, Faribault, Ferebee, Fleming, Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Higgins, Hutchins, Kerr, Love, McKay, Martin, Meares, Morehead, Norman, Outlaw, Ripley, Simonton, Smith, Sparrow, Speer, Stanford, Taylor, Thornburg, Waddill, Wallace, Walser, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Bryan, of C., Bryan, of N. H., Burke, Bullock, Chambers, Costner, Cox, of J., Dancy, Dockery, Dula, Dortch, Drake, Eller, Farrow, Foy, Fries, Gaither, of D., Gardener, Hargrove, Hill, of H., Hill, of S., Holdsclaw, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, Lyon, McCotter, Masten, Moore, of M., Morgan, Mordecai, Purdie, Pritchard, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Stephens, Tomlinson, Thompson, Ward, Washburne and Watters.

Resolution, No. 2, was then read, and Mr. Hill, of Halifax, moved to amend by striking out "9½ o'clock," and inserting "10 o'clock;" and it was adopted.

Mr. Byrd moved to amend by striking out the latter clause, and it was not adopted.

Mr. Bullock moved to amend by striking out "9½, P. M.," and inserting "10, P. M.;" and it was not adopted.

The question then recurring,

Mr. Outlaw moved to strike out "1½, P. M.," and insert "2½, P. M.," as the hour for adjournment, and strike out the afternoon session; and the question being thereon,

Mr. Smith asked that it be divided; and the question being first on striking out "1½, P. M.," it was put and adopted.

Then the question being upon the second clause of the motion of Mr. Outlaw, concerning the afternoon sessions,

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered.

Mr. Fleming offered the following amendment:

Strike out "3 o'clock," and insert "3½ o'clock."

Pending this amendment,

Mr. Sparrow moved the same be laid upon the table, and the question was put, and

Decided in the affirmative—Yeas, 61

Nays, 47

On motion of Mr. Hill, of Halifax,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Higgins, Hutchins, Kirby, Leak, Lewis, Love, Lyon, McCotter, McKay, Martin, Moore, of C., Morehead, Morgan, Outlaw, Pritchard, Reagan, Reeves, Simonton, Simpson, Smallwood, Sparrow, Speer, Stanford, Thompson, Thornburg, Waddill, Wallace, Walser, Wilson and Windley.

And the following in the negative, viz:

Messrs. Blount, Bryan, of C., Bullock, Burke, Chambers, Costner, Cox, of J., Cox, of P., Faison, Farrow, Fleming, Foy, Fries, Gardener, Green, of C., Hargrove, Harrington, Hill, of H., Hill, of S., Holdslaw, Jones, of O., Leffers, Long, Masten, Mearces, Moore, of N. H., Mordecai, Norman, Purdie, Ransom, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Smith, Stephens, Taylor, Tomlinson, Walker, Ward, Washburne, Watters, Williams and Woodfin.

So this resolution was laid upon the table, and the question being upon the 3rd resolution, the same was,

On motion of Mr. Hill, of Halifax,
Laid on the table.

Mr. Dancy introduced the following :

Resolved, That on after the 28th inst., the hour for the adjournment of the night sessions shall be 9½, P. M.

Laid over one day under the rule.

Mr. Simpson introduced the following :

Resolved, That should the present General Assembly pass a bill to raise more revenue than was recommended to be raised by the Treasurer and Executive of North Carolina, it would be unjust, uncalled for and oppressive.

And the question being thereon, and

On motion of Mr. Simpson,
The yeas and nays were ordered.

Mr. Dortch moved the same be laid upon the table ; and the question thereon was put, and

Decided in the negative—Yeas, 53

Nays, 54

On motion of Mr. Simonton,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Cox, of J., Dancy, Dortch, Drake, Faison, Faribault, Fleming, Foy, Fries, Gatling, Green, of F., Hall, of R., Hall, of W., Hargrove, Hill, of H., Hill, of S., Hutchins, Jones, of O., Kirby, Leak, Leffers, Long, Lyon, McKay, Masten, Moore, of M., Mordecai, Ransom, Reeves, Reagan, Roney, Scales, Shaw, Sherrill, Smallwood, Smith, Sparrow, Speight, Stanford, Thompson, Wallace, Ward, Washburne, Watters, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baird, Benbury, Blount, Brummell, Bryson, Burns, Byrd, Caldwell, of D., Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Craven, Dickson, Dockery, Dula, Eller, Fagg, Farrow, Ferebee, Gaither, of D., Gaither, of L., Gardener, Gentry, Green, of C., Harrington, Higgins, Holdsclaw, Lewis, Love, McCotter, Martin, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Norman, Purdie, Ripley, San-

ders, Simonton, Simpson, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

So the House refused to lay the question upon the table, and it recurred, when

Mr. Simpson asked and obtained leave to withdraw the resolution.

Mr. Caldwell, of Burke, introduced the following :

Resolved, That in the opinion of this Legislature, the late Governor, in his message at the beginning of the session, and the Treasurer, in his report with regard to the taxes necessary to be levied for the purpose of meeting the wants of the treasury, were mistaken in their calculations ; and it would be improper in this General Assembly to pass a Revenue bill in accordance with the recommendations of said officers.

Mr. Fleming moved the same be laid upon the table ; and the question thereon was put, and

Decided in the affirmative—Yeas, 76

Nays, 27

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Clapp, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Fagg, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Norman, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Smallwood, Speight, Stanford, Tomlinson, Thompson, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Brummell, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Cox, of P., Craven, Dockery, Eller, Farrow, Gaither, of D., Gaither, of L., Green, of C., McCot-

ter, Morehead, Morgan, Outlaw, Purdie, Sanders, Simonton, Sparrow, Stephens, Thornburg, Waddill and Windley.

Bills, etc., of the following titles were introduced, read, passed the first reading, referred, and otherwise disposed of as follows:

By Mr. Caldwell, of Burke, from the committee on slaves and free persons of color:

Bill 517, to emancipate Sam. Morphis, and recommending that it do not pass.

By Mr. Outlaw: bill (518) concerning the style of the Supreme Court. Judiciary.

By Mr. Wallace: bill (519) to amend the charter of Charlotte. Corporations.

By Mr. Caldwell, of Burke: bill (520) to charter a turnpike from Morganton to Cranberry gap.

By Mr. Moore, of Chatham: bill (521) to authorize the formation of mining and manufacturing companies.

The House then resumed the consideration of H. 380, section 28, chapter 9, Revenue, the pending question being the motion of Mr. Stanford to strike out; and it was put and

Decided in the negative—Yeas, 38

Nays, 63

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Bridgers, Byrd, Cox, of P., Dickson, Dortch, Drake, Faribault, Fries, Green, of F., Hargrove, Harrington, Hutchins, Leak, Leffers, Lewis, Lyon, McCotter, McKay, Purdie, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Smith, Speer, Speight, Stanford, Tomlinson, Thompson, Waddill, Walker, Wallace, Ward, and Washburne.

And the following in the negative, viz:

Messrs. Baird, Benbury, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dockery, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Fleming, Foy, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of R., Hill, of H., Hill, of S., Higgins, Holdslaw, Jones, of O., Kerr, Love, Martin, Masten, Moore of M.,

Moore, of N. H., Morehead, Morgan, Norman, Outlaw, Pritchard, Ransom, Shaw, Simonton, Simpson, Smallwood, Sparrow, Stephens, Taylor, Thornburg, Walser, Watters, Watson, Wilson, Williams, Windley and Woodfin.

The question recurring, Mr. Smith moved to amend as follows :

Strike out, in line 2, the words "the amount of all his purchases," and insert "the profits made and received or secured on all such purchases made by him during the year ending on the 1st July." In line 4, strike out "one" and "purchases," and insert for one "four," and for purchases "profits."

To which Mr. Fries offered the following amendment :

Insert "six" instead of "four," and it was adopted, and Mr. Smith's amendment, so amended, was adopted.

Mr. Caldwell, of Burke, moved to amend as follows :

Strike out the words "or persons engaged in buying notes or bonds," in line 1, and insert the words "or person who buys any notes, bond or bonds."

And the question being thereon,

A message was announced from the Senate, informing the House of their concurrence in the proposed committee to visit the Chesapeake and Albemarle Canal, and that Messrs. Dillard and Person constitute the Senate branch thereof.

Whereupon, the Speaker appointed Messrs. Newby, Baxter and Henry, on the part of the House.

The amendment of Mr. Caldwell, of Burke, was then adopted.

Mr. Fagg offered the following, to be added to the end of the clause :

Provided, That any person, who purchases a note or bond at a greater discount than 15 per cent., shall forfeit and pay 30 per cent. of the amount of his purchase.

And the question thereon was put, and

Decided in the negative—Yeas, 22

Nays, 70

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Brummell, Bryan, of C., Byrd, Caldwell, of B., Clapp, Cox, of P., Eller, Gaither, of D., Gentry, Hill, of H., Holdslaw, McCotter, Meares, Morehead, Purdie, Simonton, Simpson, Speer, Stephens, Walser, Watson and Windley.

And the following in the negative, viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Chambers, Costner, Craven, Dancy, Dickson, Dortch, Drake, Dula, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Lyon, McKay, Masten, Moore, of M., Morgan, Mordecai, Newby, Outlaw, Pritchard, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Smallwood, Smith, Speight, Stanford, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Ward, Washburne, Watters, Wilson, Williams and Woodfin.

Mr. Morehead offered the following :

Provided, There shall be no deduction made from the profits, in consequence of any loss sustained.

Pending which,

Mr. Baird moved to amend as follows :

“And shall pay an additional tax of \$50 for each county in which such purchases are made ;” and this was not adopted.

Mr. Hill, of Stokes, then moved to amend as follows :

Strike out all of clause 9, and insert “every note shaver or person engaged in buying and selling notes or bonds, made by individuals, a tax of \$50 ;” and it was not adopted, and the amendment of Mr. Morehead was then adopted.

Clause 10 being read, Mr. Williams moved the same be amended as follows :

Strike out “ $\frac{1}{2}$ of 1 per cent on the total amount of all his purchases” and insert “10 per cent ;” and it was not adopted.

Mr. Smith moved to strike out the entire section ; and the question thereon was put, and

Decided in the negative—Yeas, 24

Nays, 70

On motion of Mr. Smith,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Bullock, Caldwell, of B., Cox, of P., Dockery, Dula, Gaither, of D., Gaither, of I., Green, of C., Hargrove, Kerr, Leak, Lyon, McCotter, Morgan, Purdie, Reagan, Sanders, Simonton, Smith, Speer, Stephens, Taylor and Waddill.

And the following in the negative, viz:

Messrs. Badham, Barbee, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dickson, Dortch, Drake, Eller, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Gentry, Green, of F. Hall, of R., Hall, of W., Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kirby, Leffers, Lewis, Long, McKay, Martin, Masten, Meares, Moore, of M., Mordecai, Morehead, Norman, Outlaw, Pritchard, Reeves, Ripley, Roney, Sherrill, Simpson, Smallwood, Sparrow, Standford, Tomlinson, Thompson, Thornburg, Wallace, Walser, Ward, Washburne, Watson, Wilson, Williams and Windley.

Mr. Smith moved to add to the clause, just adopted, the following:

“The two preceding clauses shall not extend to purchases made at any judicial sales within this State;” and it was not adopted.

Mr. Gaither moved to amend as follows:

Strike out, in line 2, after the word “persons” “of the value of \$50, or upwards;” and it was not adopted.

Mr. Baird moved to strike out “\$50” and insert “\$100,” and it was not adopted.

Clause 13 read, and Mr. — moved to amend as follows:

In the 3d line, strike out “twenty;” and it was not adopted.

Mr. Outlaw moved to strike out “including watch chains, seals and keys;” and it was not adopted.

Clause 14 read, and Mr. Windley moved to strike out and

insert "every watch 1 per cent. on the value;" and it was adopted.

Mr. Thornburg offered an amendment which was withdrawn.

Mr. Thornburg offered the following:

Strike out "\$1.50," and insert "\$3.00." And

Mr. Dancy, by way of amendment thereto, as follows:

"On every harp and piano in use 1 per cent. on their value."

And the question thereon was pending, when the hour for the adjournment arrived, and

The House adjourned.

NIGHT SESSION—THURSDAY, JANUARY 27, 1859.

Mr. Ransom introduced the following:

Resolved, That after to-night this House shall adjourn its night sessions at and not before 10 o'clock.

Laid over one day under the rule.

Pursuant to notice, and under a suspension of the rules, bills, severally entitled as follows, being read, passed the second and third readings:

H. 349, Mr. Fries' bill to charter the town of Winston. Also,

H. 310, to amend the charter of the town of Salem.

H. 410, to amend the charter of the Fayetteville & Western Plankroad Company.

H. 442, to charter the Salem Mutual Insurance Company.

H. 444, to alter the terms of the county court of Forsyth.

Ordered, That they be engrossed and sent to the Senate. Also,

S. 507, to charter the Warrenton Savings Bank.

H. 424, Mr. Thompson's bill to extend the limits of the town of Goldsboro',—the same being first amended as follows, viz: Strike out all of section 3, after the words "sue for the same," in 23d line, and insert "every retailer of spirituous liquors by the small measure, in the town of Goldsboro', shall

pay such an annual tax to the treasurer, before he receives his certificate of recommendation from the clerk, as may be fixed by the commissioners of said town, at their first meeting after the 1st January, in each and every year, as the uniform tax for that year: *Provided*, The said commissioners shall have the authority to fix the tax for the present year, 1859, at their first meeting after the ratification of this act."

Ordered, To be engrossed and sent to the Senate.

H. 237, Mr. Moore's bill to establish the county of Lillington,—the question being "Shall the bill pass the third reading?"

Mr. Bryan, of New Hanover, offered the following amendment:

Strike out all from the word "river," in the 10th line, section 1, to the word "line," in the 11th line, inclusive, and insert "thence up the north-east branch of Cape Fear river to the mouth of Turkey creek; thence up said creek to where its north-east branch, known as 'Jumping river,' crosses the Wilmington & Weldon Railroad; thence up said railroad to Cypress creek; thence down said creek to the north-east river; thence with said river to the Duplin county line;" and it was not adopted.

The question recurring on the passage of the bill the third reading it was put and

Decided in the affirmative—Yeas, 70

Nays, 27

On motion of Mr. Clapp,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Brummell, Bryan, of C., Bryson, Byrd, Chambers, Costner, Cox, of J., Dickson, Dockery, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Foy, Gaither, of D., Gardener, Gentry, Green, of C., Harrington, Hill, of S., Higgins, Holdsclaw, Kerr, Kirby, Leak, Leffers, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of N. H., Morehead, Morgan, Norman, Pritchard, Purdie, Reeves, Ripley, Roney, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Speer, Stanford, Ste-

phens, Taylor, Waddill, Walker, Wallace, Walser, Ward, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Bridgers, Bryan, of N. H., Bullock, Burke, Caldwell, of G., Cox of P., Craven, Dancy, Dortch, Drake, Faribault, Green, of F., Hall, of R., Hall, of W., Hargrove, Hill, of H., Jones, of O., Lewis, Mordecai, Outlaw, Sanders, Scales, Speight, Tomlinson, Thompson and Thornburg.

So the bill passed the third reading and was ordered to be engrossed and sent to the Senate.

The House resumed the calendar, when the following bills were read, and other proceedings had, as follows :

H. 80, Mr. Love's bill to charter the Savannah Mining and Manufacturing Company being read the third time, and the question put,

Mr. Love moved that a substitute offered by him be adopted, and the question being thereon, the bill,

On motion of Mr. Hill, of Halifax,

Was referred to the committee on corporations.

Mr. Bryson gave notice that when the bill shall be reported, he will move the House to suspend the rules and put the bill upon the second and third readings.

Notices for suspension of the rules were filed with the clerk in the following bills on the calendar, viz :

No. 342, by Mr. Chambers.

No. 399, by Mr. Williams.

No. 461, by Mr. Baird.

Nos. 262, 331, 343, 383, by Mr. Walker.

No. 480, by Mr. Faribault.

On motion of Mr. Scales,

The rules were suspended, and

H. 517, the bill to emancipate Sam Morphis, read the second time, and the question put, and it was decided in the negative, there being counted yeas 38, nays 58.

H. 85, the bill to repeal the Revised Code, chapter 2, Agriculture and Geology, being read the third time,

Mr. Dortch moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative—Yeas, 45

Nays, 60

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Burke, Caldwell, of G., Clapp, Cox, of J., Craven, Dancy, Dortch, Drake, Dula, Ferebee, Fries, Green, of C., Green, of F., Hill, of S., Higgins, Hutchins, Leffers, Long, Love, McKay, Martin, Moore, of M., Morehead, Outlaw, Purdie, Shaw, Smith, Sparrow, Speight, Stanford, Taylor, Thompson, Waddill, Wallace, Ward, Watson and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Blount, Bryson, Bullock, Byrd, Chambers, Costner, Cox, of P., Dickson, Dockery, Eller, Fagg, Faison, Faribault, Farrow, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Hall, of W., Hargrove, Harrington, Hill, of H., Holdslaw, Jones, of O., Kirby, Leak, Lewis, Lyon, McCotter, Masten, Moore, of C., Morgan, Norman, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Smallwood, Speer, Stephens, Tomlinson, Thornburg, Walker, Walser, Washburne, Watters, Wilson, Williams and Windley.

So the House refused to lay the question upon the table, and it recurred, when

Mr. Outlaw moved the same be indefinitely postponed, and this question was put, and

Decided in the affirmative—Yeas, 60

Nays, 33

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Burke, Caldwell, of G., Clapp, Craven, Dancy, Dortch, Drake, Dula, Eller, Faison, Faribault, Ferebee, Fries, Gaither of D.,

Gaither, of I., Green, of C. Green, of F., Hall, of R., Harrington, Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Long, McCotter, McKay, Martin, Meares, Moore, of C., Moore, of M., Morehead,, Outlaw, Purdie, Ransom, Roney, Sanders, Shaw, Simonton, Simpson, Smallwood, Smith, Sparrow, Speight, Taylor, Thompson, Thornburg, Waddill, Ward, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Bryson, Bullock, Byrd, Caldwell, of B., Cox, of P., Fagg, Farrow, Foy, Gardener, Gatling, Gentry, Hall, of W., Hargrove, Holdsclaw, Lewis, Lyon, Masten, Morgan, Pritchard, Reeves, Ripley, Sherrill, Speer, Stephens, Tomlinson, Walker, Wallace, Walser, Washburne, Watters and Wilson.

On motion of Mr. Hall, of Rowan,

And at 9 o'clock 40m., the House then adjourned.

FRIDAY, JANUARY 28, 1859.

Mr. Leak presented the recommendation of certain persons as justices of the peace for Anson county.

Mr. McCotter a similar recommendation for Pitt county.

Mr. Dula a similar recommendation for Caldwell county.

Mr. Baird a similar recommendation for Buncombe county.

These, being severally concurred in, were ordered to be sent to the Senate.

Mr. Williams moved that the bill to provide for the Insane Asylum be made a special order for Tuesday next ; and it was not adopted.

The resolution of Mr. Dancy, introduced yesterday, was then adopted, as follows :

Resolved, That on and after the 28th inst., the hour of adjournment for the night session shall be 9½ o'clock.

Mr. Gardener introduced the following resolution (H. R. 522) viz :

Resolved, That the Governor and literary board be requested to cause the State Geologist to devote the two ensuing

years for the purpose of making a geological and agricultural survey of the western division of the State.

And the same being read the first time, passed the first reading.

On motion of Mr. Fagg,

The rules were suspended, and the resolution was read the second time, and the question put, when

Mr. Byrd moved the same be indefinitely postponed; and it was not adopted. The resolution then passed the second reading, and being read the third time, and the question put,

Mr. Pritchard moved to lay the same upon the table; and this question was put, and

Decided in the negative—Yeas, 37

Nays, 65

On motion of Mr. Farrow,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Benbury, Blount, Bryan, of C., Bryan, of N. H., Bullock, Burns, Cox, of J., Cox, of P., Dancy, Dortch, Faison, Farrow, Foy, Gatling, Green, of F., Hall, of W., Hargrove, Hill, of H., Hutchins, Kirby, Lewis, Lyon, Moore, of C., Moore, of M., Morgan, Norman, Outlaw, Pritchard, Sanders, Smallwood, Smith, Speight Stephens, Thompson, Tomlinson and Ward.

And the following in the negative, viz:

Messrs. Baird, Barbee, Bridgers, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dickson, Dockery, Drake, Dula, Eller, Fagg, Fries, Faribault, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Harrington, Hill, of S., Higgins, Holdselaw, Jones, of O., Leak, Leffers, Long, Love, McKay, McCotter, Masten, Meares, Mordecai, Morehead, Norwood, Purdie, Ransom, Reeves, Ripley, Roney, Scales, Simonton, Shaw, Sherrill, Simpson, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Williams, Wilson, Windley and Woodfin.

So the House refused to lay the question upon the table; and it recurred, when

Mr. Drake offered the following amendment:

Provided, That the great interests of the State shall not require a portion of his services elsewhere.

And it was adopted; when

Mr. Dortch offered the following substitute:

Strike out all after the word "resolve," and insert as follows: "that the governor and literary board be requested to cause the State geologist to devote as much of his time, for the next two years, to making a geological and agricultural survey of the western division of the State, as the other great interests of the State will allow."

And the question being thereon, it was put, and

Decided in the negative—Yeas, 31

Nays, 70

On motion of Mr. Chambers,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Blount, Bryan, of N. H., Bullock, Burns, Clapp, Craven, Dancy, Dortch, Faison, Farrow, Ferebee, Foy, Gaither, of D., Green, of F., Hargrove, Kirby, Lewis, Long, Lyon, Moore, of M., Outlaw, Ransom, Sanders, Smallwood, Smith, Speight, Stephens, Tomlinson, Thompson and Ward.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Bridgers, Brummell, Bryan, of C., Bryson, Caldwell, of B., Caldwell, of G., Cox, of P., Chambers, Costner, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faribault, Fleming, Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Harrington, Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Leak, Leffers, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Mordecai, Morehead, Morgan, Norman, Norwood, Pritchard, Purdie, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Stanford, Taylor, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Sparrow offered the following amendment:

Resolved, That the Governor and literary board be requested to have a survey of the western geological division

of the State made by the State Geologist within the next two years.

And it was not adopted.

Mr. Caldwell, of Burke, offered the following to be inserted after the proviso :

“ Unless he should complete the survey in a shorter time ; and if he should complete the survey in a less time than two years, he shall then be subject to the direction of the Governor and literary board for the balance of the time.”

And it was adopted ; and the question recurring,

Mr. Caldwell, of Guilford, moved to lay the same upon the table ; and the question thereon was put and

Decided in the negative—Yeas,	32
Nays,	72

On motion of Mr. Gardener,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bryan, of C., Bryan of N. H., Bullock, Burns, Caldwell, of G., Cox, of J., Cox, of P., Dancy, Faison, Farrow, Foy, Gaither, of D., Green, of F., Hall, of R., Hargrove, Kirby, Lewis, Long, Lyon, Moore, of C., Moore, of M., Morgan, Outlaw, Sanders, Smallwood, Smith, Speight, Stephens, Taylor, Tomlinson, Thompson and Ward.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Craven, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hall, of W., Harrington, Hill of H., Hill, of S., Higgins, Holdslaw, Jones, of O., Kerr, Leak, Leffers, Love, McCotter, McKay, Martin, Masten, Meares, Mordecai, Morehead, Norman, Norwood, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Stanford, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Scales offered the following amendment, viz :

Provided, That in said survey, the Dan river coalfields shall not be neglected.

And pending the same,

Mr. Fleming moved the resolution and amendment be postponed to this night at 7 o'clock; and this question was put and

Decided in the negative—Yeas, 25

Nays, 69

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burns, Cox, of P., Dancy, Faison, Fleming, Fries, Gatling, Hall, of R., Hall, of W., Hargrove, Kirby, Lyon, Moore, of M., Morgan, Roney, Sanders, Smith, Stanford, Stephens and Tomlinson.

And the following in the negative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Harrington, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Leffers, Lewis, Long, Love, McCotter, Martin, Masten, Moore, of C., Morehead, Norman, Norwood, Pritchard, Purdie, Ransom, Reeves, Ripley, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Speight, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Wilson, Williams and Widley.

Mr. Ferebee introduced the following amendment; strike out all and insert :

Resolved, That the Governor and board of literature be requested to instruct the State Geologist to direct his attention forthwith to the western division of the State, and that he be required to finish the same within the next twelve months.

And it was not adopted.

Mr. Foy offered the following :

Resolved, That this House has full faith and confidence in

the wisdom and intelligence of the Governor and board of literature, and that Prof. Emmons be left to direct the geological, agricultural, mineralogical and botanical survey of the State, at the will and pleasure of the Governor and the board.

And it was not adopted.

Mr. Norwood offered the following amendment :

Provided, The coalfields of Dan river shall be considered embraced in the western division of the State ; and it was adopted.

Mr. Scales' amendment was then withdrawn.

The question recurring, Mr. Reeves offered the following amendment :

Resolved, That the Governor and literary board be requested to dispense with the services of Dr. Emmons.

And the question thereon being put, was decided in the negative.

The resolution, as amended, then passed the third reading, and was ordered to be engrossed and sent to the Senate.

Mr. Martin introduced the following resolution :

Resolved, That, in the opinion of this Legislature, the late Governor, in his message at the beginning of the session, and the Treasurer, in his report with regard to the taxes necessary to be levied for the purpose of meeting the wants of the treasury, were not mistaken in their calculations ; and it would be improper in this General Assembly to pass a revenue bill, which shall not be in accordance with the recommendations of said officers.

And the question being thereon, Mr Hill, of S., moved the same be laid upon the table ; and the question thereon was put, and

Decided in the affirmative—Yeas, 60

Nays, 35

On motion of Mr. Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Costner, Cox, of J., Dancy, Dickson,

Dortch, Drake, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Leak, Leffers, Lewis, Long, Lyon, McKay, Masten, Moore, of C., Moore, of M., Norman, Norwood, Pritchard, Ransom, Ripley, Roney, Scales, Shaw, Sherrill, Speight, Stanford, Thompson, Ward, Washburne, Watters, Watson and Wilson.

And the following in the negative, viz:

Messrs. Baird, Benbury, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Dula, Eller, Farrow, Ferebee, Gaither, of I., Green, of C., McCotter, Martin, Morehead, Morgan, Purdie, Reeves, Sanders, Simonton, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser and Windley.

After the roll had been called, the several members asked leave to vote. The speaker asked of one "were you within the bar, when your name was called?" and, being answered in the negative, said he knew of no power in him or the House, under existing rules, to grant leave in such cases.

Mr. Outlaw gave notice that he would to-morrow introduce a resolution proposing a change in the rules, so as to allow any member to vote who was within the Hall at the time the roll was called.

Mr. Smith introduced the following resolution:

Resolved, That from and after this day, the clerk be directed to make a full record of the proceedings of the House in taking the vote upon any question by yeas and nays, setting out therein the original vote and the changes afterwards made by leave of the House.

And the question being thereon, and a count demanded, there were counted 67 votes in the affirmative; so this resolution was adopted, and ordered to be carried immediately into effect.

Mr. Purdie introduced the following resolution:

Resolved, That the committee on military affairs be requested to enquire into the expediency of abolishing the present system of militia training, and report by bill or otherwise.

And it was adopted.

Mr. Speer offered the following resolutions :

Resolved, That it is the opinion of this General Assembly, that the government of North-Carolina was established for the equal protection of all the citizens and property within the limits of the State.

Resolved, That the government, having been established for the equal protection of all the citizens and the property within the limits of the State, justice demands that all should support the government in proportion to the protection enjoyed.

Resolved, That in the collection of revenue for the support of the government and the payment of the public debt, it is unwise, unjust and inexpedient to discriminate in favor of or against any particular class of persons, or any particular species of property, not contemplated by the framers of the constitution.

Resolved, That any system of revenue, imposing upon any class of citizens or property more than their equitable share of the burdens of government, is inconsistent with that principle of republican equality upon which the government was established, and without which it could not exist.

Resolved, That it is the opinion of this Legislature, that the constitution and laws of the State ought to be so amended as to enable the committee on finance to report a revenue bill upon the principles set forth in the foregoing resolutions.

And the question being thereon, Mr. Badham moved the same be laid upon the table; and this question was put, and

Decided in the affirmative—Yeas, 52

Nays, 42

On motion of Mr. Speer,

The yeas and nays being ordered, the clerk proceeded to call the roll, and record the vote pursuant to the resolution of Mr. Smith, just adopted, and the following voted in the affirmative, viz :

Messrs. Badham, Bryan, of C., Bryan, of N. H., Bullock, Burns, Byrd, Costner, Cox, of J., Cox, of P., Dancy, Drake, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gardener,

Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Holdselaw, Hutchins, Jones, of O., Kirby, Leffers, Love, Lyon, McKay, Masten, Moore, of C., Norman, Norwood, Outlaw, Roney, Scales, Shaw, Sherrill, Simpson, Speight, Stanford, Stephens, Thompson, Washburne, Ward, Watson, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baird, Barbee, Benbury, Blount, Caldwell, of B., Caldwell, of G., Chambers, Dockery, Dula, Eller, Faribault, Fagg, Gaither, of D., Gaither, of I., Gatling, Green, of C., Higgins, Leak, Lewis, McCotter, Martin, Morehead, Pritchard, Purdie, Reagan, Reeves, Ripley, Sanders, Simonton, Smallwood, Smith, Sparrow, Speer, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Watters and Windley.

The clerk having reported "yeas 52, nays 41," Mr. Caldwell, of Burke, before the result was announced, rose to a point of order, viz : That, by the 20th rule of the House, "all members within the House shall vote, unless excused for special reasons," and that Mr. Moore, of Martin, and Mr. Ransom had not voted. The Speaker ruled the point well taken. Then Mr. Moore being again called answered "No," and Mr. Ransom, being called, answered that he was not within the bar when the roll was called.

Messrs. Bryson, Gentry and Meares, after the roll had been called, asked leave of the House to vote, and leave was refused.

The Speaker then announced that the resolutions were laid on the table.

Bills, etc., of the following titles, were introduced, read and referred, as follows :

By Mr. Dockery : resolution (523) in favor of Wm. Buchanan. Propositions and grievances.

By Mr. Jones, of Orange : resolution (524) concerning the militia system and law.

By Mr. Outlaw : bill (525) to charter the Rocky Mount and Roanoke Railroad Company. Corporations and currency.

By Mr. Fagg: bill (526) to amend Revised Code, chapter 45, sections 8 and 9, Executions.

By Mr. Woodfin: resolution (527) in favor of Eli McKee. Judiciary.

By the same: resolution (528) in favor of Wm. Rogers. Same committee.

By Mr. Bryan, of New Hanover: bill (529) to charter Calvin's Creek Academy. Private bills.

By Mr. Jones, of Orange: bill (530) to amend the Revised Code, chapter 70, "Militia," and to abolish the office of Adjutant General.

By the same: bill (531) to amend Revised Code, "Public Arms."

By Mr. Fleming: bill (532) to provide a special magistrate for Salisbury. Judiciary.

By Mr. Reeves: resolution (533) in favor of Letty M. Bray.

The House resumed H. 380, section 28, clause 14, revenue, the question being upon the amendment of Mr. Dancy, and it was withdrawn; and Mr. Thornburg's amendment not being adopted,

Mr. Foy introduced the following:

"Every gold headed cane, if used at any time during the year next preceding the day of listing taxables, 75 cents; every silver-headed cane, used at any time during the year, 25 cents;" and it was not adopted.

Mr. Kirby introduced the following:

"*Provided*, That all watches worn by ladies shall be exempt from taxation;" and it was adopted.

Mr. Baird offered the following:

Strike out "\$2,50" in 2nd line and "\$1,50" in 3rd line, and insert "1 per cent on their value;" and it was not adopted.

Mr. Martin the following:

Strike out all of clause 15 after the word "taxation;" and it was adopted.

Mr. Bryson moved to strike out the entire clause, and it was not adopted.

Yeas, 1
Nays, 98

On motion of Mr. Walser,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Mr. Bryson.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burns, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McKay, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Mordecai, Morehead, Morgan, Norman, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sher-rill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams, Windley and Woodfin.

After the roll had been called, Mr. Smith asked for and obtained leave to vote, and voted in the negative.

Clause 16 being read, Mr. Ferebee moved to amend by striking out the words " United States ;" and it was adopted.

Mr. Caldwell, of Guilford, offered the following amendment :

Insert " except ministers of the gospel," in the 6th line, and

Mr. Ferebee moved to amend the amendment, by adding " and judges ;" and it being not adopted,

Mr. Hargrove moved to amend the same by adding " and editors of newspapers ;" and it was not adopted.

The question then being upon the amendment of Mr. Caldwell, was put and

Decided in the affirmative—Yeas, 90

Nays, 11

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of O., Kerr, Leak, Leffers, Lewis, Love, Lyon, McKay, Martin, Meares, Moore, of C., Morehead, Morgan, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watters, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Bryan, of C., Cox, of P., Dancy, Dickson, Faison, Fleming, Fries, Gardener, Kirby, Masten and Roney.

After the roll had been called, and before the result was announced, Messrs. Hall, of Rowan, Moore, of Martin, McCotter and Williams asked and obtained leave of the House to change their votes from the negative to the affirmative.

Mr. Ferebee offered the following proviso :

Provided, That nothing herein contained shall be construed to apply to the salaries of the judges of the supreme and superior courts.

And the question thereon was put and

Decided in the negative—Yeas, 18

Nays, 83

On motion of Mr. Smith,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Burns, Craven, Dortch, Eller, Faison, Ferebee, Gatling, Hall, of W., Martin, Morehead, Norman, Outlaw, Sherrill, Smith, Sparrow, Ward and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Dancy, Dickson, Dockery, Drake, Dula, Fagg, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of L., Gardener, Gentry, Green, of C., Green of F., Hall, of R., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Mordecai, Morgan, Norwood, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simon-ton, Simpson, Smallwood, Speer, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Washburne, Watters, Watson, Wilson, Williams and Windley.

And then, it being 2 o'clock, the House adjourned.

NIGHT SESSION—FRIDAY, JANUARY 28, 1859.

Mr. Hill, of Halifax, from the committee on corporations, reported a substitute for the bill, H. 80, to charter the Savannah Mining and Manufacturing Company presented by Mr. Love, at the last night session, with amendments, and recommended the same do pass. The question recurring upon the passage of this bill the third reading, it was decided in the affirmative, and ordered to be engrossed and sent to the Senate.

Mr. Caldwell, of Burke, moved that the hour for the adjournment this evening be extended, and the Speaker ruled, the same to be not in order.

Mr. Outlaw gave notice that he would to-morrow move to extend the morning session until 3 o'clock, and that when the House adjourn, it do adjourn to meet on Monday at 10 o'clock.

Notices of intention to suspend the rules for bills upon the calendar were filed as follows, viz :

By Mr. Holdsclaw : No. 240, on the third reading ;

By Mr. Meares : No. 488, on the second reading ;

By Mr. Smith : No 323, on the second reading ;

By Mr. Speer : No. 289, on the third, and 398 on the second reading ;

By Mr. Thornburg : No. 359, on the second reading.

Pursuant to notice, and under a suspension of the rules, the House considered

H. 393, bill of Mr. Gaither, of I., to prevent the felling of timber in Big Rocky creek, in Iredell ; and the same being read the second time, and the question put, "Shall this bill pass the second reading?"

Mr. Gaither, of Davie, offered the following amendment :

After the words "Rocky creek," insert "Dutchman's creek in Davie county;" and it was adopted, and, so amended, the bill passed the second reading. And the same being read the third time, and the question put,

Mr. Reeves offered the following amendment :

Add "Mitchell's river, Ararat river, Johnston's creek, Stewart's creek, Lovell's creek and Paul's creek, in Surry;" and it was adopted.

The bill, so amended, passed the third reading, and,

On motion of Mr. Fleming,

The title being changed to that of "a bill to prevent the felling of timber in certain streams in Iredell and Surry," was ordered to be engrossed and sent to the Senate.

Pursuant to notice, and under a suspension of the rules, Mr. Baird moved that

H. 461, bill to amend the charter of the Greenville and French Broad Railroad Company, be made the special order for Wednesday next, February 2d ; and it was adopted.

Pursuant to notice, Mr. Faribault moved that the rules be suspended, and the Senate bill, 480, to aid the Fayetteville and Coalfields Railroad Company, be considered ; and the question thereon was put, and

Decided in the affirmative—Yeas, 73

Nays, 23

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Brummell, Bryan, of C., Bryan, of N. H., Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Farrow, Fleming, Gaither, of D., Gaither, of I., Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Long, Love, Lyon, McKay, Meares, Moore, of C., Moore, of M., Morehead, Norman, Norwood, Pritchard, Purdie, Reeves, Ripley, Scales, Shaw, Simonton, Simpson, Sparrow, Speer, Stanford, Stephens, Taylor, Thompson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Blount, Bridgers, Bullock, Byrd, Cox, of P., Dancy, Ferebee, Foy, Gatling, Hargrove, Hill, of H., Lewis, McCotter, Masten, Morgan, Outlaw, Sanders, Sherrill, Smallwood, Smith, Speight, Ward and Williams.

So the rules were suspended, and the bill being read the third time, the House considered the same,—the question being “Shall the bill pass the third reading?”

The hour for the adjournment arrived, and the House adjourned.

SATURDAY, JANUARY 29, 1859.

Mr. Faribault presented a recommendation of certain persons for justices of the peace for the county of Wake, which were ordered to be sent to the Senate.

Notices were filed with the clerk of applications for a suspension of the rules concerning bills on the calender, as follows :

In Nos. 250, 321, by Mr. Badham.

“ “ 245, 320, 339, 364, by Mr. Leffers.

“ “ 420, by Mr. Leak.

“ “ 248, by Mr. Caldwell, of Burke.

“ “ 419, by Mr. Dockery.

In No. 313, 307, by Mr. Farrow.

“ “ 458, by Mr. Blount,

“ “ 468, 447, by Mr. Bridgers.

“ “ 189, 281, 340, 425, 475, by Mr. Foy.

“ “ 493, by Mr. Love.

“ “ 418, 402, 381, 345, 254, 285, 286, 287, 462, 585,
by Mr. Morehead.

The House then considered the resolution of Mr. Outlaw,
of last night, relative to the adjournment over until Monday,
and it was

Decided in the affirmative—Yeas, 70

Nays, 20

On motion of Mr. Watters,

The yeas and nays were ordered, and the following voted
in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Bridgers, Bullock,
Caldwell of B., Caldwell, of G., Clapp, Craven, Dancy,
Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault,
Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D.,
Gatling, Gentry, Green, of C., Green, of F., Hall, of R.,
Hall, of W., Hargrove, Harrington, Holdsclaw, Hutchins,
Kerr, Kirby, Leak, Leffers, Lewis, Lyon, McKay, Martin,
Masten, Moore, of M., Mordecai, Morehead, Morgan, Norman,
Norwood, Outlaw, Purdie, Ransom, Reeves, Ripley,
Sanders, Scales, Shaw, Simpson, Smallwood, Speight, Stanford,
Stephens, Taylor, Tomlinson, Thompson, Ward, Watson,
Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Brummell, Bryson, Byrd, Chambers, Cox,
of J., Costner, Gardener, Hill, of H., Hill, of S., Higgins,
McCotter, Pritchard, Sherrill, Smith, Speer, Thornburg,
Walser, Washburne and Watters.

Bills, etc., were introduced, read and passed the first reading,
as follows :

By Mr. Dortch : bill (534) costs in certain cases.

By Mr. Scales, from the committee on claims : resolution
(535) in favor of William Peace.

And the following engrossed bills, etc., from the Senate :

S. 536, to establish the Bank of Commerce ;

S. 537, to charter Jamestown ;

S. 538, to amend the charter of the Wilmington and Rutherford Railroad Company ;

S. R. 539, for heating the Senate chamber and Commons hall.

The House resumed the consideration of bill 380, section 28, revenue.

Clause 17 being read, Mr. Fries offered the following amendment :

Strike out clause 17, and insert "Every resident of the State who brings into the State, or who buys for a non-resident, whether by sample or otherwise, spirituous liquors, wines, or cordials, for the purpose of sale, 10 per cent. on the amount of his purchases.

"Every person that buys to sell again spirituous liquors, wines or cordials, from the maker in this State, his agent, factor or commission merchant, 5 per cent. on his purchases."

To which Mr. Scales offered the following amendment :

Strike out all after the word "purchases" in the 7th line ; and the question being stated thereon,

Mr. Byrd moved the same be indefinitely postponed, and this was not adopted.

The question on Mr. Scales' amendment was then put, and

Decided in the negative—Yeas, 32

Nays, 62

On motion of Mr. Washburne,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Bryson, Caldwell, of B., Dula, Eller, Fagg, Faribault, Fleming, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Love, McCotter, McKay, Martin, Meares, Mordecai, Reeves, Ripley, Scales, Sherrill, Simonton, Simpson, Speer, Thornburg, Walker, Walser and Washburne.

And the following in the negative, viz :

Messrs. Badham, Benbury, Blount, Bridgers, Brummell, Bullock, Burns, Byrd, Caldwell, of G., Clapp, Costner, Cox,

of J., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Farrow, Ferebee, Foy, Fries, Gatling, Green, of F., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Lyon, Masten, Moore, of M., Morehead, Morgan, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Sanders, Shaw, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Tomlinson, Thompson, Ward, Watters, Wilson and Windley.

Mr. Holdsclaw, who had voted in the affirmative, obtained leave to change his vote to the negative.

Mr. Hill, of Stokes offered the following amendment to the pending amendment :

Strike out "ten" and insert "eight;" striket out "five" and insert "four;" and it was not adopted.

Mr. Reeves offered the following :

"Upon all spirits of turpentine manufactured in this State, there shall be levied a tax of 5 per cent., to be paid by the distiller, on the gross amount of his sales;" and the question being thereon was put, and

Decided in the negative—Yeas,	15
Nays,	79

On motion of Mr. Speer,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Burke, Caldwell, of B., Dula, Gaither, of D., Gaither, of I., Gardener, Hall, of R., Higgins, Pritchard, Reeves, Simonton, Speer, Washburne and Watters.

And the following in the negative, viz :

Messrs. Badham, Benbury, Blount, Bridgers, Brummell, Bryson, Bullock, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Eller, Fagg, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Hill, of H., Hill, of S., Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of M., Mordecai, Morehead, Morgan, Norman, Norwood, Outlaw, Purdie, Ransom, Ripley, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Speight,

Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Watson, Wilson, Windley and Woodfin.

Mr. Outlaw offered the following amendment:

"On every merchant, or apothecary, druggist, or other dealer, consignee, or agent, selling at wholesale or retail spirituous liquors, wines or cordials, 5 per cent on the capital so employed, to be paid by the seller;" and the question being thereon was put, and

Decided in the negative—Yeas, 37

Nays, 60

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Bridgers, Bullock, Chambers, Drake, Ferebee, Fleming, Gatling, Green, of F., Hargrove, Hill, of H., Higgins, Holdscaw, Hutchins, Lewis, Lyon, McCotter, Moore, of M., Morgan, Norman, Norwood, Outlaw, Pritchard, Ransom, Ripley, Sanders, Smallwood, Smith, Speight, Stephens, Taylor, Waddill, Ward, Wilson and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Blount, Brummell, Bryson, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Dancy, Dickson, Dockery, Dortch, Dula, Eller, Fagg, Farrow, Faribault, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Hall, of W., Harrington, Hill, of S., Jones, of O., Kirby, Leak, Leffers, Love, McKay, Martin, Masten, Meares, Mordecai, Morehead, Purdie, Reeves, Scales, Sherrill, Simonton, Simpson, Sparrow, Speer, Stanford, Tomlinson, Thompson, Thornburg, Walker, Walser, Watters, Washburne, Watson and Windley.

Mr. Foy offered the following amendment:

Strike out "10 per cent.," and insert "five per cent." on the amount of his purchases, and add "whether for sale, or for his own, or any other person's use;" and it was not adopted.

Mr. Bullock offered the following amendment:

Strike out "ten" cents wherever it occurs, and insert "six" cents; and it was not adopted.

The question then recurred, and a division thereof being demanded, the question was first put on Mr. Fries' motion to strike out, and

Decided in the affirmative—Yeas, 65

Nays, 32

On motion of Mr. Simonton,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Blount, Bridgers, Bullock, Caldwell, of G., Chambers, Clapp, Dancy, Dickson, Dockery, Dortch, Drake, Faribault, Farrow, Ferebee, Fleming, Foy, Fries, Gatling, Green, of F., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Lyon, McCotter, McKay, Masten, Meares, Moore, of M., Mordecai, Morgan, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Sanders, Sherrill, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Tomlinson, Thompson, Waddill, Walker, Ward, Watters, Watson, Wilson and Windley.

And the following in the negative, viz:

Messrs. Baird, Brummell, Bryson, Burns, Burke, Byrd, Caldwell, of B., Cox, of J., Craven, Dula, Eller, Fagg, Gaither, of I., Gaither, of D. Gardener, Gentry, Green, of C., Hall, of R., Higgins, Martin, Morehead, Reeves, Ripley, Scales, Simonton, Speer, Simpson, Taylor, Thornburg, Walser, Washburne and Woodfin.

So the House agreed to strike out, and the question recurring on Mr. Fries' main amendment,

Mr. Hargrove offered the following amendment, viz:

"Every merchant, apothecary, druggist, or other dealer, consignee or agent, selling at wholesale or retail spirituous liquors, wines or cordials, 5 per cent. upon his purchases made out of the State or of a non-resident, by sample or otherwise; also, upon his purchases of the maker, his agent, consignee, or commission merchant, of said articles made in the State;" and the question thereon was put, and

Decided in the negative—Yeas, 46
 Nays, 46

On motion of Mr. Lyon,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Bridgers, Bullock, Byrd, Cox, of J., Dancy, Dockery, Dortch, Drake, Farrow, Ferebee, Foy, Fleming, Gatling, Green, of F., Hall, of W., Hargrove, Hill, of H., Harrington, Hutchins, Kerr, Leak, Lewis, Lyon, McCotter, Meares, Moore, of M., Morgan, Outlaw, Pritchard, Purdie, Ransom, Sanders, Shaw, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Thompson, Ward, Watson, Wilson and Windley.

And the following in the negative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dickson, Dula, Eller, Fagg, Faribault, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Hill, of S., Higgins, Leffers, Love, McKay, Martin, Masten, Morehead, Norman, Reeves, Ripley, Scales, Sherrill, Simonton, Simpson, Speer, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Washburne and Woodfin.

After the roll was called, Mr. Dortch asked and obtained leave to change his vote from the negative to the affirmative, when there being a tie, the Speaker voted in the negative. And so the amendment not being adopted, the question again recurred upon the amendment of Mr. Fries; and the question being thereon was put, and

Decided in the negative—Yeas, 41
 Nays, 49

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Brummell, Caldwell, of G., Chambers, Clapp, Costner, Craven, Dickson, Dortch, Eller, Faribault, Fleming, Fries, Gentry, Green, of C., Hall, of R., Harrington, Hill, of S., Higgins, Holdselaw, Leffers, McKay, Martin, Masten, Morehead, Norwood, Pritchard, Ripley,

Shaw, Sherrill, Sparrow, Stanford, Tomlinson, Thornburg, Walser, Ward, Watson, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Bridgers, Bryson, Bullock, Byrd, Caldwell, of B., Cox, of J., Dancy, Dula, Fagg, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of F., Hargrove, Hill, of H., Hutchins, Jones, of O., Kerr, Lewis, Love, Lyon, McCotter, Meares, Moore, of M., Morgan, Norman, Outlaw, Purdie, Ransom, Reeves, Sanders, Scales, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Taylor, Thompson, Waddill, Walker, Washburne and Watters.

Mr. Cox, of Jones, obtaining leave, after the roll call, to change his vote from the affirmative to the negative,

Mr. Outlaw renewed the amendment already recited.

Mr. Foy offered an amendment as follows :

“Every person who brings into this State spirituous liquors, wines or cordials, whether for sale, or for his own use, or any other person’s use, 5 per cent. on the total amount of his purchases. When any non-resident of this State shall sell and deliver to any person spirituous liquors, wines or cordials, the buyer shall list the same, and pay the above tax.”

And it was not adopted.

Mr. Sparrow, before the question was put, offered an amendment.

The Speaker decided the same not in order, and from this decision Mr. Sparrow appealed.

And the question being “shall the decision stand?” it was decided in the affirmative.

The question upon the amendment of Mr. Outlaw was put, and

Decided in the negative—Yeas, 48

Nays, 49

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Blount, Bullock, Chambers, Dancy, Dickson, Dortch, Drake, Faribault, Ferebee, Fleming, Fries, Gatling, Green, of F., Hall, of W., Hargrove,

Harrington, Hill, of H., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Leak, Leffers, Lewis, Lyon, McCotter, Masten, Moore, of M., Norman, Norwood, Outlaw, Pritchard, Sherrill, Smallwood, Smith, Speight, Stanford, Taylor, Thompson, Thornburg, Watters, Watson and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Bridgers, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Dockery, Dula, Eller, Fagg, Farrow, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hall, of R., Kirby, McKay, Martin, Meares, Mordecai, Morehead, Morgan, Purdie, Ransom, Reeves, Ripley, Sanders, Scales, Shaw, Simonton, Simpson, Sparrow, Speer, Stephens, Tomlinson, Waddill, Walker, Walser, Washburne, Wilson and Windley.

Mr. Speer moved that the vote, by which the House had rejected the amendment of Mr. Fries, be reconsidered, and the question being thereon,

Mr. Benbury moved the same be laid upon the table; and this question was put and

Decided in the negative—Yeas, 30

Nays, 63

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Bridgers, Bryson, Bullock, Cox, of J., Dancy, Dickson, Farrow, Ferebee, Foy, Hargrove, Hill, of H., Hutchins, Jones, of O., Kirby, Lewis, Lyon, Moore, of M., Mordecai, Norman, Outlaw, Purdie, Ransom, Sanders, Simpson, Smallwood, Smith, Sparrow, Speight, Thompson, Watters and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Blount, Brummell, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faribault, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Harrington, Hill, of S., Higgins, Holdsclaw, Leak, Leffers, McCotter,

McKay, Martin, Masten, Meares, Morehead, Morgan, Norwood, Pritchard, Reeves, Ripley, Scales, Shaw, Sherrill, Simonton, Speer, Standford, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walker, Walser, Ward, Washburne, Watson, Wilson and Woodfin.

After the roll-call, Mr. Meares asked for and obtained leave to change his vote from the affirmative to the negative, and Messrs. Cox, of J., Kirby and Farrow from the negative to the affirmative.

So the House refused to lay the question upon Mr. Fries' amendment upon the table; and the vote being also reconsidered, the question recurred thereon, when

Mr. Hargrove renewed the amendment already reported.

Mr. Reeves rose to a point of order, viz:

That the same amendment had already been rejected. The Speaker said that the vote upon the main amendment being reconsidered, it was competent also to renew any amendment which had been offered thereto, and the House had already voted upon one of them without objection thereto. The question was then put, and

Decided in the negative—Yeas, 26

Nays, 62

On motion of Mr. Lyon,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bullock, Dancy, Dockery, Farrow, Ferebee, Foy, Green, of F., Hargrove, Hutchins, Jones, of O., Lewis, Lyon, McCotter, Moore of M., Norman, Outlaw, Purdie, Ransom, Sanders, Smallwood, Smith, Speight, Stanford, Tomlinson, Thompson and Ward.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dickson, Dortch, Drake, Dula, Eller, Fagg, Faribault, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Hall, of R., Harrington, Hill, of S., Higgins, Holdscaw, Leak, Leffers, Love, McKay, Martin, Masten, Meares, Morehead, Morgan, Norwood,

Pritchard, Reeves, Ripley, Shaw, Sherrill, Simonton, Sparrow, Simpson, Speer, Stephens, Taylor, Thornburg, Walker, Walser, Watters, Wilson, Windley and Woodfin.

Mr. Bryson offered the following amendment to the amendment under consideration :

“ *Provided*, That nothing in this section contained shall be so construed as to tax domestic liquors sold by any person not exceeding one hundred gallons in any one year;” and it was not adopted.

Mr. Ward offered the following amendment :

“ A tax of 10 per cent on liquors distilled in the State, and sent out the State for sale;” and it was not adopted.

Mr. Outlaw the following amendment :

“ On every merchant, or apothecary, druggist, or other dealer, consignee, or agent, selling at wholesale or retail spirituous liquors, wines or cordials, 5 per cent on the aggregate amount of his purchases;” and it was not adopted.

The question upon the main amendment was then again put, and

Decided in the affirmative—Yeas, 58

Nays, 34

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Blount, Brummell, Caldwell, of G., Chambers, Clapp, Costner, Craven, Dickson, Dortch, Drake, Dula, Eller, Fagg, Faribault, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Hall, of R., Harrington, Hill, of S., Higgins, Kirby, Leak, Leffers, McKay, Martin, Masten, Meares, Moore, of M., Mordecai, Morehead, Norwood, Pritchard, Reeves, Ripley, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Stanford, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Ward, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Benbury, Bridgers, Bryson, Bullock, Byrd, Caldwell, of B., Dancy, Dockery, Farrow, Ferebee, Foy, Green, of C., Green, of F., Hargrove, Hill, of H.,

Hutchins, Jones, of O., Lewis, Love, Lyon, McCotter, Morgan, Norman, Outlaw, Purdie, Ransom, Sanders, Scales, Smith, Speight, Stephens, Washburne and Watters.

Mr. Speight voting after the roll had been called.

Clause 17, so amended, then passed without further amendment.

Mr. Shaw, from the committee on enrolled bills, reported that they had examined the following enrolled bills and resolutions, and found the same truly enrolled, viz :

Act to amend the act to incorporate the town of Kenansville, and to provide for the better government of said town.

Resolution appropriating north-east room in Senate gallery to the use of the Governor.

Resolution relating to the Library.

Act to incorporate Lincoln Lodge, 132, Ancient York Masons, in Lincolnton.

Act to require the day of execution to be noted on justices' process.

Act to incorporate Shoal Creek Academy.

Act concerning jurors summoned by special writ of *venire* in Carteret and Jones counties.

Act to incorporate Wilmington Hotel Company ;

Act to incorporate N. C. Military Institute ;

Act concerning courts of pleas and quarter sessions of Duplin ;

Act to incorporate Cape Fear and Ocean Steam Navigation Company ;

Act to incorporate trustees of Kenansville Female Seminary ;

Act to incorporate Cowee Mining and Manufacturing Company ;

Act to incorporate Portis Gold Mining Company, in Franklin county ;

Act to incorporate the Warrenton Savings Bank ;

Act to incorporate the Goldsboro' Mutual Insurance Company ;

Act authorizing the acting justices of Cumberland, Duplin and Craven counties to appoint special terms of the courts of pleas and quarter sessions for said counties ;

Act to amend Revised Code, chapter 34, section 119.

Act to incorporate the Atlantic Mutual Fire and Marine Insurance Company ;

Act to lay off and establish a new county by the name of Alleghany.

The House resumed the consideration of the special order,

H. 380, section 28, clause 18, and paragraphs 1, 2 and 3 of the same, title Revenue, being read, passed without amendment.

Clauses 19, 20, 21, 22, 23, of section 28, passed without amendment.

Mr. Fries then offered the following as an additional section, to be inserted between section 28, clause 23, and section 29, viz :

"Every dog, twenty-five cents. Dogs shall be listed by the owner of the land, (or by the agent who may list the land,) and he shall list not only his own dogs, but all the dogs kept by any one living on his land : *Provided*, Two dogs on each town lot, and two on each farm or plantation, shall be exempt from taxation, and need not be listed."

Which being read, Mr. Dancy moved to amend the same by striking out, in the 6th line, the word "two" and insert "one;" and it was not adopted.

Mr. Ward moved to strike out the word "two," in the 7th line; and it was not adopted.

Mr. McKay moved to amend by inserting the words "for each white family," in the 7th line, after the word "plantation" and before the word "shall;" and it was adopted.

Mr. Reeves moved to amend as follows :

Except hounds kept for the purpose of catching foxes, which shall not be included.

And it was not adopted.

The question being put on the amendment, as amended, to-wit: the section proposed by Mr. Fries to be added to the bill, it was

Decided in the negative—Yeas, 19

Nays, 60

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Caldwell, of G., Chambers, Costner, Craven, Dancy, Dickson, Farrow, Fleming, Fries, Green, of C., Hall, of R., Hill, of H., Holdselaw, Masten, Morgan, Smallwood, Stephens and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Benbury, Blount, Bridgers, Bryson, Bullock, Burns, Byrd, Caldwell, of B., Clapp, Dockery, Drake, Dula, Eller, Fagg, Faribault, Ferebee, Foy, Gardener, Gentry, Green, of F., Hargrove, Harrington, Hill, of S., Higgins, Hutchins, Leak, Leffers, Lewis, Lyon, McCotter, Martin, Meares, Mordecai, Morehead, Norman, Norwood, Outlaw, Purdie, Reeves, Sanders, Sherrill, Simpson, Smith, Sparrow, Speer, Speight, Stanford, Thompson, Thornburg, Walser, Ward, Watters and Woodfin.

After the roll was called, and before the result was announced, Messrs. Gentry and Simpson had leave to change their votes from the affirmative to the negative.

On motion of Mr. Meares,

Messrs. Kirby, McKay, Tomlinson, Shaw and Brummell were again called, and they respectively answered in the negative.

Section 29 read and adopted.

Section 30 read, and Mr. Walser offered the following amendment :

After the 7th line, add " And where the Pee Dee and main Yadkin shall be the dividing line between counties, in that case the land shall be listed in the county where the same shall be situated."

And it was adopted.

Sections 31, 32 and 33 read and adopted.

Section 34 read, and Mr. Fries offered the following amendments :

- (1) Strike out, in the 3rd line, the words "of slaves."
- (2) Strike out, in the 4th line, the word "the" before the word "slaves," and insert "his."
- (3) Add to the section as follows: "Slaves hired out be-

yond the limits of the State shall be listed by the owners, as well as those employed within the State."

And they were adopted.

Sections 35 and 36 read and adopted.

Section 37 being read, Mr. Fries moved the same be amended as follows :

Strike out, in the 3rd and 5th lines, the word "county," and insert the word "district."

This amendment was pending at 3 o'clock, when

The House adjourned.

MONDAY, JANUARY 31, 1859.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Masten, Burns, Drake, Walker and Clapp.

Mr. Ferebee introduced the following resolution :

Resolved, That with the concurrence of the Senate, the two Houses of the General Assembly adjourn *sine die* on the 14th of February, at 7 A. M.

And he moved the yeas and nays be ordered thereon.

Mr. Dancy moved the same be laid upon the table, and this question was put and

Decided in the negative—Yeas, 36

Nays, 48

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bryson, Byrd, Clapp, Cox, of J., Dancy, Drake, Fagg, Fleming, Foy, Fries, Gentry, Green, of F., Hall, of R., Hutchins, Leffers, Love, McKay, Masten, Meares, Mordecai, Morehead, Norwood, Reagan, Ripley, Scales, Speight, Walker, Walser, Watters, Watson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Bridgers, Brummell, Bullock, Burns, Caldwell, of B., Caldwell, of G., Chambers, Costner, Craven,

Dickson, Dockery, Dula, Eller, Farrow, Ferebee, Gaither, of D., Gardener, Gatling, Green, of C., Hargrove, Hill, of H., Hill, of S., Kirby, Leak, Lyon, McCotter, Martin, Moore, of M., Morgan, Norman, Outlaw, Pritchard, Purdie, Roney, Sanders, Sherrill, Simpson, Smallwood, Sparrow, Speer, Stanford, Stephens, Tomlinson, Thornburg, Waddill and Windley.

After the roll was called, Messrs. Barbee, Byrd, Cox, of J., and Norwood, changed their votes from the negative to the affirmative, and Mr. Wilson obtained leave to vote.

The question recurring, Mr. Scales offered the following amendment :

Strike out all after the word "*Resolved*," and insert " that this House meet hereafter at 9 o'clock A. M., and adjourn at 4 P. M."

And the question being upon this amendment,

Mr. Badham moved the same be laid upon the table ; and this question was put and

Decided in the affirmative—Yeas, 47

Nays, 43

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bridgers, Bryson, Byrd, Clapp, Cox, of J., Dancy, Dickson, Drake, Fagg, Fleming, Foy, Fries, Gaither, of D., Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Higgins, Hutchins, Jones, of O., Kirby, Leffers, Love, McKay, Masten, Meares, Morehead, Norwood, Reagan, Ripley, Roney, Shaw, Speer, Speight, Thornburg, Walker, Walser, Watters, Watson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Brummell, Bullock, Burns, Caldwell, of B., Caldwell, of G., Chambers, Costner, Craven, Dockery, Dula, Eller, Farrow, Ferebee, Gatling, Hargrove, Hill, of H., Hill, of S., Leak, Lyon, McCotter, Martin, Moore, of M., Morgan, Mordecai, Norman, Outlaw, Pritchard, Purdie, Sanders, Scales, Sherrill, Simonton, Simpson, Smallwood,

Smith, Sparrow, Stanford, Stephens, Tomlinson, Waddill, Ward and Windley.

Mr. Costner offered the following resolution :

Resolved, That on and after Tuesday next, the daily sessions of this House be held as follows : Meet at 9½, A. M., and adjourn at 2, P. M.; meet again at 3, P. M., and adjourn at 5, P. M.; meet again at 7, P. M., and adjourn at 10, P. M.

Laid over one day under the rule.

Mr. Hill, of Stokes, offered the following resolutions, viz :

Resolved, That no member of this House shall speak on any one question more than ten minutes.

Resolved, That the rule in Jefferson's manual, known as the "previous question," be and is hereby established for the government of this House.

Laid over one day under the rule.

Mr. Dockery offered the following resolution :

Resolved, That the judiciary committee be instructed to enquire into the expediency of so amending the law as to give the county court the authority to grant a right of way to a fishery, and that they report by bill or otherwise.

Mr. Outlaw introduced the following resolution :

Resolved, That the daily meetings of the House shall be at 9½ A. M., and continue until 3 o'clock, P. M., when there shall be a recess until 7; and no motion to adjourn shall be in order until 9½ o'clock.

Laid over one day under the rule.

Mr. Hill, of Halifax, from the committee on corporations, reported

H., 525, Mr. Outlaw's bill to charter the Rocky Mt. and Roanoke Railroad Company with the recommendation that the same do pass.

Mr. Meares introduced the following bill :

Bill (H. 540) to increase the number of inspectors in Wilmington; and being read, the same was referred to the committee on the judiciary.

The House then resumed the consideration of H. 380, section 37, Revenue, and the pending amendment of Mr. Fries was adopted.

Section 38, read, and Mr. Simpson offered the following amendment :

Amend line 7, as follows : " You, A. B., do solemnly swear, that this list by you rendered contains a full statement of all the property which by law you are bound to list for taxation, either in your own right or the right of any other person or persons whatsoever, to the best of your knowledge and belief. So help you God."

And it was not adopted.

Mr. Ward offered the following amendment :

After the word " list," insert " in this district ;" and it was not adopted.

Section 39 being read, Mr. Ward moved to amend as follows :

Strike out after the word " before," in the 16th line, and insert " or within twenty days thereafter ;" and it was not adopted.

Section 40 read, and Mr. Outlaw offered the following :

Strike out all after the word " commit" to the word " sureties," inclusive, and insert the words " bind him over ;" and it was adopted.

Sections 41, 42, 43, 44, 45, read.

Section 46 read, and Mr. Smith moved to amend as follows :

Add, after the word " twelve," the words " or a majority of ;" and it was adopted.

Sections 47, 48, 49, 50 read.

Section 50 read, and Mr. Fries' printed amendments were adopted and inserted in lieu of all references to old law, from section 50 to section 77, inclusive.

Sections 78 to 83, read and adopted.

Section 83 read, and clause 1 adopted.

Clause 2 being read, Mr. Faribault offered the following amendment :

Strike out the words " amateur performers" after the word " players," in the 1st line, and insert them after the word " objects" in the 4th line ; and it was adopted.

Clause 3 read and adopted.

Clause 4 read, and,

On motion of Mr. Outlaw,

Amended as follows :

Add, after "State," "except companies for mutual insurance, who take no policies out of the State;" and it was adopted.

Clause 5 and 6 read and adopted.

Clause 7 read, and,

On motion of Mr. Fries,

Amended so as to insert before the word "broker," in the 1st line, the words "bond or note;" and it was adopted.

Clause 8 read and adopted.

Clause 9 read, and Mr. Drake offered the following amendment:

"*Provided, however,* That the proprietors of the various watering places or places of summer resort shall not be required to pay for their public billiard tables and bowling alleys more than one-third of the taxes imposed by this and the succeeding paragraph, if they will make oath before the officer collecting the tax that the same are used only during the watering season ;" and it was not adopted.

Clause 10 to 12 read and adopted.

Clause 12 read, and Mr. Meares offered the following amendment:

Insert after the word "cordials" the words "or relative to malt liquors;" and it was adopted.

Clause 13 read, and Mr. Speer offered the following amendment:

Strike out "ten" and insert "fifteen;" and it was not adopted.

Clause 14 read, and Mr. Smith offered the following amendment:

Add, at end, "*Provided,* That said tax shall not be paid on purchases at judicial sales, or sales by executors or administrators;" and it was not adopted.

Clause 15 read, and Mr. Purdie offered the following amendment:

Strike out from the word "tax" to the words "the sheriff," in the 4th line; and it was not adopted.

Clause 16 read, and Mr. Smith moved the same be stricken out, and it was adopted—there being counted yeas 35, nays 32.

Clause 17 read and adopted.

Clause 18 read, and Mr. Outlaw offered the following amendment:

Insert, in 2d line, after the word "manufactured," the words "in part or in whole;" and it was not adopted.

Clause 19 read and adopted.

Clause 20 read, and Mr. Fries offered the following amendment:

Strike out in line 7, all after the words "of his purchases," and insert "whether made in or out of the State, for cash or on credit; *Provided*, That articles the growth or manufacture of this State, if bought in the State, and also articles the growth and manufacture of adjoining States, if brought into this State for sale by the grower or manufactnrer, shall not be required to be returned in the amount of purchases, but shall be exempt from taxation."

Mr. Ward offered the following amendment:

"Upon the products of the soil, mines and manufactures of this State, transported beyond her limits by any railroad, the company owning said road shall pay the following tax: On every ton of mineral coal, iron, copper ore, hogsheads of tobacco, and bale of cotton, 50 cents; on every barrel of turpentine, tar, flour, dried fruit, and fish, 10 cents; on every barrel of distilled resin, three cents; on every gallon of spirituous liquors, wines, cordials, and spirits of turpentine, one cent; and on all other produce 5 cents per hundred pounds."

And the question thereon was put, and

Decided in the negative—Yeas, 28

Nays, 56

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Barbee, Benbury, Bryson, Clapp, Dockery, Eller, Fagg, Farrow, Gaither, of I., Harrington, Kerr, Kirby, Love,

Leffers, McKay, Martin, Meares, Morehead, Sanders, Simon-ton, Sparrow, Speer, Stanford, Tomlinson, Thornburg, Ward, Waddill, Watters and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Bridgers, Bullock, Burns, Byrd, Caldwell, of B., Chambers, Costner, Cox, of J., Dancy, Drake, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Leak, Lewis, Lyon, McCotter, Masten, Moore, of M., Mordecai, Norman, Norwood, Outlaw, Purdie, Pritchard, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Stephens, Wallace, Walser, Wilson and Woodfin.

Messrs. Thornburg and Clapp voted after roll-call, and Mr. Baird changed his vote from the affirmative to the negative.

The question was then put on the amendment of Mr. Fries, and the same was adopted.

Mr. Ferebee offered the following amendment to the bill, to be inserted immediately after the section just adopted:

“For every passenger on any of the railroads in the State one-fourth of one cent per mile, to be paid by the treasurer of the said road to the public treasurer, on or before the 1st day of October. And the said treasurers shall take and subscribe an oath that the returns made by them are just and true; which oath shall be attested by the magistrate before whom the same is taken, and transmitted to the public treasurer.”

To which Mr. Meares offered the following amendment, to be inserted after the word “roads,” in the second line:

“Navigation companies, canals, or rivers improved by State aid, and one-fourth of one per cent. on the gross amount of receipts for freight.”

And the question being first upon this amendment, it was put, and

Decided in the affirmative—Yeas, 75

Nays, 15

On motion of Mr. Meares,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Bryson, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dickson, Dockery, Drake, Dula, Eller, Fagg, Farrow, Ferebee, Fleming, Fries, Gaither, of I., Gardener, Gatling, Green, of C., Hall, of R., Harrington, Hill, of H., Hill, of S., Higgins, Kerr, Kirby, Leak, Leffers, Lewis, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of M., Morehead, Morgan, Norman, Outlaw, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Walker, Wallace, Ward, Watters, Wilson and Windley.

And the following in the negative, viz :

Messrs. Brummell, Bullock, Faribault, Foy, Gaither, of D., Green, of F., Hargrove, Hutchins, Jones, of O., Lyon, Norwood, Pritchard, Smith, Stanford and Walser.

Messrs. Baird, Drake and Kirby voted after the roll was called.

And the question recurring upon the amendment, as amended,

Mr. Fleming offered the following amendment :

Insert, after the word "aid," the following words: "including those for which the State may have endorsed or-exchanged bonds;" and it was adopted.

Mr. Benbury offered the following amendment to the pending amendment :

Strike out "improved by State aid;" and it was not adopted.

Mr. Ward offered the following as a substitute for the pending amendment, viz :

Upon the products of the soil, mines, or manufactures of this State, transported beyond her limits by any railroad, the company owning said road shall pay the following taxes : on every ton of mineral, coal, iron, copper ore, hogshead of tobacco, and bale of cotton, 50 cents ; on every barrel of turpentine, tar, flour, dried fruit, or fish, 10 cents ; on every

barrel of rosin, 3 cents; on every bushel of wheat 6 cents; on every bushel of other grain, 3 cents; on every gallon of spirituous liquors, wines, cordials, and spirits of turpentine, $1\frac{1}{2}$ cents; and on all other products, 5 cents per hundred pounds.

"And one-tenth of one cent per mile for all way passengers carried by any railroad or canal in this State, to be paid by the company owning the road, or carrying the passengers. The presidents of the several railroad companies shall return the amounts of produce, and distance which passengers are transported, on oath, to the sheriffs of the counties in which their offices are kept, and pay the taxes thus imposed."

Pending the consideration of which, a message was received from the Senate, informing the House of the appointment of Messrs. Ramsay, McDowell and McKoy to the committee on enrolled bills, and transmitting the recommendation of certain persons as justices of the peace for the counties of Duplin and Forsyth.

Which being severally concurred in, the question recurred upon the substitute offered by Mr. Ward to the amended amendment of Mr. Ferebee to the bill under consideration, when, the hour for adjournment arriving,

The House adjourned.

NIGHT SESSION, MONDAY, JANUARY 31, 1859.

The House resumed the consideration of

S. 480, to aid the Fayetteville and Coalfields Railroad Company.

The question being "shall the bill pass the third reading?" was put and

Decided in the affirmative—Yeas, 44

Nays, 41

On motion of Mr. Bullock,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Benbury, Bryan, of C., Bryson, Burns, Caldwell, of B., Costner, Craven, Dickson, Dockery,

Eller, Faison, Faribault, Farrow, Fleming, Gardener, Gentry, Green, of C., Hall, of W., Harrington, Higgins, Jones, of O., Kirby, Leffers, Long, Love, McKay, Martin, Meares, Moore, of C., Morehead, Mordecai, Norwood, Purdie, Scales, Shaw, Taylor, Thornburg, Waddill, Walker, Watson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bridgers, Brummell, Bullock, Byrd, Caldwell, of G., Chambers, Cox, of P., Dancy, Dortch, Dula, Fagg, Gaither, of D., Gaither, of I., Green, of F., Hargrove, Hill, of H., Hill, of S., Hutchins, Kerr, Lewis, Masten, Moore, of M., Morgan, Norman, Pritchard, Reeves, Roney, Sanders, Sherrill, Simonton, Smallwood, Smith, Speer, Stephens, Tomlinson, Wallace, Ward, Williams and Windley.

After the roll was called, Messrs. Badham, Chambers, Caldwell, of G., Gaither, of I., and Reeves, asked and obtained leave to vote.

Mr. Ferebee had paired off with Mr. Bryan, of N. H.; Mr. Hall, of R., with Mr. Burke; Mr. Lyon with Mr. Holdsworth; Mr. Stanford with Mr. Gatling; and Mr. Walser with Mr. Moore, of N. H.

Ordered, That the bill be enrolled.

Pursuant to notice, and under a suspension of the rules, the following bills, etc., were read and passed, as follows :

S. 307, engrossed bill to charter Lake Landing Company, passed the third reading, and ordered to be enrolled.

S. 313, engrossed bill to amend the charter of the Fairfield Canal Company, (the amendments proposed by the committee on propositions and grievances being first adopted,) passed the second and third readings, and was ordered to be enrolled.

H. 447, Mr. Bridgers' bill to prevent obstructions in Swift creek, in Edgecombe, passed its second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 359, Mr. Thornburg's bill to declare certain parts of Uwharrie river a lawful fence, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

S. 482, engrossed bill concerning Hunter's Creek Lake, in Onslow, and for other purposes, passed the second and third readings, and was ordered to be enrolled.

H. 323, Mr. Smith's bill to amend the charter of the Farmers' Bank, being read the second time, and the question being "shall this bill pass the second reading?"

Mr. Badham offered the following amendment:

C. 1. *Provided*, That all snits instituted by said bank, and now pending, shall go on and be tried in the counties where instituted, unless removed as other suits.

C. 2. No suit upon any bond, note or draft, payable at the principal bank, shall be brought to any other county than Pasquotank, or that in which some one of the makers or securities shall reside.

And the question being thereon, and a division of the same demanded by Mr. Outlaw, the first clause was not adopted; and the question being upon the second clause,

Mr. Smith moved to amend by inserting after the word "draft," in the 2nd line, the words "heretofore executed," and after the word "brought," the words "by the bank."

Mr. Dortch called for a division of the question, and the same was first put upon the first branch of the amendment proposed by Mr. Smith, and it was adopted; and the question being upon the second branch of the same amendment,

Mr. Outlaw demanded tellers, and Messrs. Dortch and Sparrow being appointed, the question was put, and the tellers reported yeas 45, nays 40.

So, the second branch of the amendment was adopted.

Mr. Fagg moved that the vote be reconsidered, and it was so ordered; and the question recurring, and a division being demanded, there were counted yeas 43, nays 44. So the amendment was not adopted.

The question then recurred upon the second clause of the amendment of Mr. Badham, as amended, and it was adopted,—there being counted yeas 48, nays 43.

Mr. Bridgers then offered the following amendment:

"The said bank shall issue for circulation no note or bill of a

larger denomination than five dollars, unless it be the multiple of ten;" and it was adopted.

Mr. Williams offered the following amendment:

Provided, That said bank shall issue no note purporting to be a bank bill, under the denomination of five dollars; and it was not adopted,—there being counted yeas 36, nays 42.

Mr. Reeves offered the following amendment as an additional section:

From and after the 1st day of July next, if said bank shall fail to redeem its notes in specie, when presented and demanded, it shall thereby work a forfeiture of its charter.

And the question being upon the same, Mr. Pritchard offered the following amendment thereto:

Strike out "1st of July" and insert "1st of November;" and it was adopted; and the question recurring upon the amendment, it was put, and

Decided in the negative—Yeas, 30

Nays, 64

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bryan, of C., Bryson, Dortch, Drake, Faribault, Fagg, Foy, Gardener, Green, of C., Green, of F., Hall, of W., Hill, of H., Hutchins, Lewis, Long, Masten, Moore, of C., Moore, of M., Norman, Pritchard, Roney, Sanders, Scales, Sherrill, Speight, Stephens, Tomlinson, Wallace, Wilson and Williams.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Brummell, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dancy, Dockery, Dula, Eller, Faison, Farrow, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gentry, Hall, of R., Hargrove, Harrington, Hill, of S., Higgins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Love, Lyon, McCotter, McKay, Martin, Meares, Morehead, Morgan, Mordecai, Norwood, Outlaw, Purdie, Ripley, Shaw, Simonton, Smallwood, Smith, Sparrow, Speer, Taylor, Thorn-

burg, Walker, Walser, Ward, Watters, Watson, Windley and Woodfin.

The question recurring, the bill passed the second reading.

The bill was then read the third time, and the question put "Shall this bill pass the third reading?" when

Mr. Smith moved to amend as follows:

Insert, in the 3d line of Mr. Badham's amendment, after the word "brought," the words "by the bank, or for its use;" and it was adopted.

Mr. Ward then offered the following amendment:

Provided, That whenever the Legislature shall pass a general law, applicable to all the banks of this State, providing that a failure to redeem their notes with specie, on demand, shall work a forfeiture of their charters, the same shall apply to this bank. And it was not adopted.

The question was then put, and the bill passed the third reading, and was ordered to be engrossed, and sent to the Senate.

Notices of intention to move for a suspension of the rules were filed with the clerk in the following bills on the calendar:

In No. 538, by Mr. Meares.

In No. 536, by Mr. Bryan, of Craven.

In No. 186, by Mr. Fagg.

In No. 415, by Mr. Shaw.

In No. 330 and 338, by Mr. Moore, of Martin.

In No. 518, by Mr. Outlaw.

And then the House adjourned.

TUESDAY, FEBRUARY 1, 1859.

Mr. Moore, of Martin, from the committee on corporations, reported the resolution of Mr. Hill, of Stokes, concerning the Farmers' Bank, and asked to be discharged from its further consideration.

Mr. Norwood introduced the following resolution:

Resolved, That this House will meet on Saturday next, at

9½ o'clock A. M., and adjourn at 3 P. M., and that the whole sitting on Saturday, after the morning's business, shall be devoted to private bills upon and according to the calender.

Laid over one day under the rule.

Mr. Costner introduced the following resolution :

Resolved, That on and after Tuesday next, the daily sessions of this House be held as follows :

Meet at 9½ A. M., and adjourn at 2, P. M. ; meet again at 3, P. M., and adjourn at 5, P. M.; meet again at 7, P. M., and adjourn at 10 P. M.

The question being thereon, Mr. Benbury moved the same be laid upon the table, and Mr. Chambers having moved the yeas and nays be ordered, Mr. Benbury withdrew his motion.

Mr. Outlaw offered the following amendment, viz :

(1) Strike out, in 5th line, the words " meet again at 3, P. M., and adjourn at 5, P. M."

(2) Strike out " 2" in 4th line, and insert " 3" P. M.

(3) Add : " but there shall be no session Saturday night."

And they were adopted; and the question recurring, the resolution, so amended, was adopted.

The House then considered the resolution of Mr. Hill, of Stokes, and the question being thereon, Mr. Hill offered the following substitute :

Resolved, That no member of the House shall speak longer than ten minutes on any one subject, except currency, when they may speak thirty minntes.

Mr. Fleming moved to strike out the words " except currency," and it was adopted.

Mr. Dancy moved to strike out "thirty" and insert "fifteen," and it was not adopted.

The question recurring, Mr. Fagg moved the same be laid upon the table, and this question was put and agreed to.

Notices were filed with the clerk for suspension of the rules in the following bills on the calendar, viz :

Nos. 189, 281, 340, by Mr. Foy.

Nos. 216, 423, 449, 337, by Mr. Fleming.

Mr. Newby presented a recommendation of certain persons

for justices in Perquimans, which was adopted and sent to the Senate.

Bills, etc., of the following titles, being introduced, passed the first reading, and were referred or disposed of as follows:

By Mr. Hall, of Warren: resolution (541) in favor of Thos. M. Crossan. Claims.

By Mr. Jones, of Orange: resolution (542) in favor of Sam'l Pearce.

And the following engrossed bills and resolutions from the Senate:

S. R. 543, in favor of the Common Schools of Randolph.

S. R. 544, in favor of Dabney Cosby.

S. R. 545, in favor of Henry Von Glahn and Henry Baker.

S. R. 546, in favor of W. Watson.

S. R. 547, in favor of Edw. Kidder.

S. R. 548, in favor of Eben Combs.

S. R. 549, in favor of B. F. Steed and Howgil Julian.

Claims.

S. R. 550, in favor of Geo. R. Sledge. Claims.

S. R. 551, in favor of Solomon M. Ray. Claims.

S. 552, to charter the Montgomery Guards.

S. 553, to repeal an act concerning jury trials in Polk county.

S. R. 554, in favor of J. J. James.

By Mr. Taylor: resolution (555) concerning the Public Lands; which did not pass the first reading.

By Mr. Fleming: bill (556) to charter the Western N. C. Agricultural Society. Corporations.

By Mr. Green, of Chatham: bill (557) to prevent the sale of spirits in the town of Haywood. Propositions and grievances.

By Mr. Hutchins: bill (558) to charter the North-Carolina Coal and Iron Oil Company, Corporations.

By Mr. Wallace: bill (559) to amend the charter of Charlotte. Corporations.

By Mr. Gentry: bill (560) supplemental to an act to establish the county of Alleghany.

By Mr. Meares: resolution (561) concerning the lighting of the capitol with gas.

H. R. 555, Mr. Taylor's resolutions concerning the public lands being read the first time, and the question put "Shall these resolutions pass the first reading?"

Mr. Hill, of Stokes, moved they be rejected; and the question thereon was put, and

Decided in the affirmative—Yeas, 64

Nays, 34

On motion of Mr. Taylor,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Blonnt, Bridgers, Bryson, Bullock, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Long, Love, McKay, Masten, Moore, of M., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Watters, Wilson and Williams.

And the following in the negative, viz:

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of D., Green, of C., Henry, Leak, McCotter, Martin, Meares, Morgan, Newby, Outlaw, Purdie, Sanders, Smith, Sparrow, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

After the roll was called, Mr. Bryan, of Craven, was refused leave to vote.

The House resumed the consideration of

H. 380, Revenue,—the question being upon the amendment of Mr. Ward; and it was not adopted, and the question then being upon the amendment of Mr. Ferebee,

Mr. Dortch moved to amend as follows:

Insert the word "way" before the word "passenger;" and it was not adopted.

The amendment of Mr. Ferebee was then rejected,

Yeas, 21

Nays, 80

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Bryson, Chambers, Costner, Dula, Fagg, Ferebee, Gentry, Henry, Lewis, Love, Martin, Meares, Morgan, Outlaw, Reeves, Ripley, Taylor, Tomlinson, and Waddill.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bullock, Burns, Burke, Byrd, Caldwell, of G., Clapp, Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Eller, Faison, Faribault, Fleming, Foy, Fries, Gaither, of D., Gaither, of L., Gardener, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Long, Lyon, McCotter, McKay, Masten, Moore, of C., Moore, of N. H., Morehead, Mordecai, Newby, Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speight, Stanford, Stephens, Thompson, Thornburg, Wallace, Walser, Ward, Watson, Wilson, Williams, and Windley.

Clause 21 read, and Mr. Fries moved to amend as follows :

Strike out "ready made garments" in the 1st line ; and it was adopted.

Clause 22 read, and adopted.

Clause 23 read, and Mr. Bullock moved to amend, as follows :

Strike out "non-resident" in 1st line ; strike out from "every," in 7th line, to "State," in 9th line ; strike out all from and after the word "and," in 14th line ; and the question being thereon, was put, and

Decided in the negative—Yeas, 17

Nays, 84

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Bullock, Faison, Ferebee, Foy, Hargrove, Henry, Kirby, Lyon, Morgan, Newby, Norman, Outlaw, Sanders, Speight and Ward.

And the following in the negative, viz :

Messrs. Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Dula, Eller, Fagg, Faribault, Farrow, Fleming, Fries, Gaither, of D., Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Hill, of S., Higgins, Jones, of C., Jones, of O., Leak, Leffers, Long, Love, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of N. H., Mordecai, Morehead, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Gaither, of Iredell, voted after the roll was called.

Clause 23, Mr. Fagg moved to strike out all of the section after the word "State," in line 7; and the question thereon was put, and

Decided in the negative—Yeas, 16

Nays, 83

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Bryson, Burns, Fagg, Foy, Fries, Hill, of S., Love, McKay, Meares, Morehead, Reeves, Ripley, Waddill and Ward.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bullock, Burke, Caldwell, of B., Caldwell, of G., Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Dula, Eller, Faison, Faribault, Farrow, Ferebee, Fleming, Gaither, of D., Gaither, of I., Green, of C.,

Green, of F., Hall, of R., Hargrove, Harrington, Henry, Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Lyon, McCotter, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Mordecai, Newby, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Thompson, Tomlinson, Thornburg, Walker, Walser, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Clause 24 passed over informally.

Clause 25 read and adopted.

Clause 26 read, and Mr. Craven offered the following amendment :

Strike out the tax and insert "riding vehicles manufactured in this State, one per cent. on sales;" and it was not adopted.

Clause 27 read, and Mr. Outlaw moved to amend as follows :

Add "But nothing herein contained shall be so construed as to exempt them from indictment, or any of the penalties now imposed by law;" and it was adopted.

Mr. Dancy offered the following amendment :

After the word "fortunes," in 2nd line, insert "or pretending to tell fortunes;" and it was adopted.

Mr. McKay then moved that the section be stricken out, and it was not adopted.

Section 94, clause 1, read, and Mr. Fries offered the following amendment :

After the word "incorporation," in the 4th line, add "or shall obtain an act to amend their charter, whether it had been secured by letters patent under said law, or by special act;" and after "dollars" insert for each act to incorporate or to amend;" and after "which" add "tax," so that it shall read: "And obtain a special act of incorporation, or shall obtain an act to amend their charter, whether it had been secured by letters patent under said law or by a special act, \$24 for each act to incorporate or to amend, which tax shall be paid to the treasurer of the State."

Mr. Scales moved to amend by inserting in the clause "except colleges;" and it was not adopted.

The amendment was then adopted.

Clause 2 read, and Mr. Fries offered the following amendment :

In 2nd line, after the word "petitioner," add "or derive any benefit under such act to amend their charter;" and it was adopted.

Mr. Caldwell, of Burke, offered the following amendment :

Strike out all of clause 2 after the word "office," in 2nd line ; and it was adopted.

Clause 3 read, and,

On motion of Mr. Fries,

Amended in lines 6 and 7, viz : Strike out "if not less than seven nor," and insert "if over seven and not."

Clause 4 read, and Mr. Baird moved to amend as follows :

Strike out "fifteen" and insert "twenty;" and it was not adopted.

Mr. Ferebee moved to insert "ten;" and it was not adopted.

Clause 5 read, and Mr. Thornburg moved to amend :

Add "*Provided*, That this section shall not extend to deeds of conveyance of real estate;" and it was not adopted.

Mr. Chambers moved to strike out the clause ; and it was not adopted.

Mr. McKay moved to amend by striking out all after the word "estate," in 3rd line, to the word "fifty," in the 4th line ; and it was not adopted.

Clause 6 read, and Mr. Smith moved to strike the same out, and the question thereon was put, and

Decided in the affirmative—Yeas, 79

Nays, 30

On motion of Mr. Harrington,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dockery, Dortch,

Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of F., Hargrove, Harrington, Hill, of S., Kirby, Leak, Lewis, Lyon, McKay, McCotter, Martin, Meares, Morehead, Morgan, Newby, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Dancy, Dickson, Drake, Faison, Fleming, Fries, Hall, of R., Hall, of W., Higgins, Jones, of C., Jones, of O., Leffers, Long, Love, Masten, Moore, of M., Moore, of N. H., Mordecai, Norman, Norwood, Roney, Speight, Watters and Wilson.

Mr. Ransom moved that the vote be reconsidered, and this question was put and

Decided in the negative—Yeas, 30

Nays, 68

On motion of Mr. Lyon,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Bridgers, Bryan, of C., Cox, of J., Dancy, Dickson, Drake, Faison, Fleming, Fries, Gardener, Green, of F., Hall, of R., Hall, of W., Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Long, Moore, of M., Mordecai, Norman, Norwood, Ransom, Sherrill, Speight, Watters and Wilson.

And the following in the negative, viz :

Messrs. Baird, Bryson, Bullock, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dockery, Dortch, Dula, Eller, Fagg, Faribault, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gentry, Green, of C., Hargrove, Harrington, Henry, Hill, of S., Higgins, Kerr, Leak, Lewis, Lyon, McCotter, McKay, Martin, Masten, Morehead, Morgan, Newby, Outlaw, Pritchard, Purdie, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Simpson, Small-

wood, Smith, Speer, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watson, Williams, Windley, and Woodfin.

Mr. Kirby voted after the roll was called.

Section 95 read, and Mr. Hill of Stokes, offered the following amendment :

Strike out, in line 1, "and clerk and master;" in line 9, "or clerk and master;" in line 20, "and clerk and master;" and they were adopted.

Sections 96, 77, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, read and adopted.

Section 108 read, and Mr. Fries offered the following amendment :

Strike out, in line 8, "twenty-two," and insert "six;" and it was adopted.

Sections 108, 109, 111, 112, 113, 114, 115, read and adopted ; and the whole bill being now read, section by section, the question recurred "shall this bill pass the third reading?" when

Mr. Badham offered the following as an additional section, viz :

"The act entitled revenue, passed at the last session of the General Assembly, be and the same is hereby repealed, as also all laws and clauses of laws in conflict with the provisions of this bill."

And it was adopted.

Mr. Ward proposed amendments to several sections, and was ruled out of order, the reading being completed.

Mr. Walker said he would vote for the bill, but that he protested, for reasons hereafter to be stated,* against two of its provisions.

* After the adjournment, Mr. Walker addressed the clerk a letter, as follows :

SIR:—I ask leave to enter my protest against the two clauses in the revenue act taxing the land and polls. While I feel it to be my duty, as a representative, to vote for a revenue bill, I cannot give my assent to a proposition to burden these two subjects of taxation beyond their just proportion. This act does this, and I protest.

W. C. WALKER.

The question was then put and

Decided in the affirmative—Yeas, 58

Nays, 43

On motion of Mr. Gaither of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Bridgers, Bryan, of C., Bryson, Bullock, Burke, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Faison, Faribault, Fleming, Foy, Fries, Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Hutchins, Jones, of O., Kirby, Leffers, Long, Love, Lyon, McKay, Masten, Meares, Mordecai, Norman, Norwood, Outlaw, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Speight, Stanford, Thompson, Walker, Wallace, Watters, Watson, Wilson and Williams.

And the following in the negative, viz:

Messrs. Baird, Brummell, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Henry, Leak, Lewis, McCotter, Martin, Morehead, Newby, Purdie, Ripley, Sanders, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Walser, Ward, Windley and Woodfin.

Messrs. Foy and Ward voted after the roll was called, and Mr. Ripley changed his vote.

Mr. Dockery paired off with Mr. Hill, of Halifax, and Mr. Pritchard with Mr. Moore, of Chatham.

So the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

The House resumed the calendar:

H. 1, Mr. Walser's bill to remove free persons of color from the State, was postponed until to-night at 7, P. M.

H. 2, Mr. Badham's bill to exempt one slave from execution, was,

On motion of Mr. Hill, of Stokes,

Indefinitely postponed.

H. 11, Mr. Moore's bill to increase the number of slave

owners being next in order, the House agreed to suspend the same, and considered

S. 475, engrossed bill from the Senate concerning Richlands Academy, in Onslow county.

And the same being read, passed the second and third readings, and was ordered to be enrolled.

And it being 3 o'clock,

The House adjourned.

NIGHT SESSION—TUESDAY, FEBRUARY 1, 1859.

Pursuant to notice, and under a suspension of the rules, the House considered the bills severally entitled as follows, when the following proceedings were had, viz :

H. 279, Mr. Clapp's bill to charter High Point in Guilford. And the same being read the third time, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 284, Mr. Morehead's bill to charter the Cambridge Copper Mining Company.

The question being first upon the amendments of the committee, they were not adopted, and the bill, being read, passed the second and third reading, and was ordered to be engrossed and sent to the Senate.

H. 287, Mr. Morehead's bill to charter the Halsey Mining and Smelting Company (the amendment not being adopted) passed the second and third readings.

H. R. 335, Mr. Morehead's resolution in favor of Walter A. Winburne, passed the second and third readings.

H. R. 381, Mr. Morehead's resolution concerning Historical Documents passed the second and third readings.

H. 468, Mr. Bridger's bill to charter the Tyoncokee Swamp Navigation Company, passed the second and third readings.

Ordered, That they be engrossed and sent to the Senate.

The House then considered the special order, viz :

H. 1, Mr. Walser's bill to remove free negroes from the

State, and for other purposes ; and the question being "shall the bill pass the second reading?"

Mr. Dancy offered an entire substitute for the same, (being the same introduced by Mr. Humphrey, of the Senate, and already printed by order of that body,) and the question being thereon.

Mr. Farrow moved the same be indefinitely postponed, and this question was put, and

Decided in the affirmative—Yeas, 62

Nays, 44

On motion of Mr. Meares,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Blount, Bryson, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Drake, Dula, Eller, Fagg, Farrow, Fleming, Fries, Gentry, Green, of C., Hall, of R., Hall, of W., Harrington, Henry, Hill, of S., Higgins, Kerr, Leak, Leffers, Long, Love, McKay, Masten, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Ransom, Roney, Reagan, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Stanford, Stephens, Thornburg, Waddill, Walker, Wallace, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Baxter, Benbury, Brummell, Bryan, of C., Bullock, Burns, Cox, of J., Cox, of P., Dancy, Dickson, Dockery, Dortch, Faison, Faribault, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Green, of F., Hargrove, Hutchins, Jones, of C., Jones, of O., Kirby, Lewis, Lyon, McCotter, Martin, Meares, Purdie, Reeves, Ripley, Sanders, Speer, Speight, Tomlinson, Thompson, Walser, Ward, Watters and Wilson.

So this bill was indefinitely postponed.

Pursuant to notice, and under a suspension of the calendar, bills severally entitled as follows being read, passed, as follows: viz :

H. 248, Mr. Caldwell's bill to charter the Rutherford Acad-

emy. Passed the third reading, and ordered to be engrossed and sent to the Senate.

S. R. 495, in favor of Bartlett F. Witty. Passed the second and third readings, and ordered to be enrolled.

H. R. 315, Mr. Hall's resolution in favor of Norwood, Packer & Co. Passed the second and third readings, and ordered to be engrossed and sent to the Senate.

H. 351, Mr. Caldwell's bill to amend Revised Code, chapter 60, Inspections. Passed second and third readings, and ordered to be engrossed and sent to the Senate.

H. 370, Mr. Caldwell's bill to repeal Revised Code, chapter 79, Ordinaries and Inns.

On motion of Mr. Fleming,

Referred to the committee on the judiciary.

S. 588, concerning pilotage on Cape Fear river and bar passed the second and third readings, and was ordered to be enrolled.

H. R. 262, Mr. Walker's resolution in favor of John S. Johnson passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 321, Mr. Badham's bill to amend the charter of Edenton passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 377, Mr. Badham's bill to charter Edenton Literary Association passed second and third readings, and was ordered to be engrossed and sent to the Senate.

Mr. Meares introduced a resolution, (H. R. 561) authorizing the Governor to fit up the capitol with gas fixtures; and the same being read passed the first reading.

Mr. Meares moved the rules be suspended, and the resolution be read the second time; and the question was put and

Decided in the negative—Yeas, 27

Nays, 72

On motion of Mr. Norman,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Benbury, Bryan, of C., Burns, Caldwell, of B., Dancy, Dickson, Drake, Ferebee, Hill, of S., Jones, of

C., Kerr, Kirby, Leffers, Love, Lyon, McKay, Meares, Newby, Norwood, Outlaw, Smith, Sparrow, Speight, Stanford, Ward and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Blount, Brummell, Bryson, Bullock, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dockery, Dortch, Dula, Fagg, Faison, Faribault, Farrow, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Higgins, Hutchins, Leak, Lewis, Long, McCotter, Martin, Masten, Moore, of N. H., Morehead, Morgan, Norman, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Watters, Watson, Wilson, Williams and Windley.

The resolution was then filed for the second reading.

H. 520, Mr. Caldwell's bill to charter a turnpike company from Morganton to Cranberry Gap. Passed the second and third readings, and ordered to be engrossed and sent to the Senate.

S. 462, engrossed bill to amend the charter of the Roanoke Navigation Company, and for other purposes. Passed second and third readings, and ordered to be enrolled.

S. 503, engrossed bill concerning the county court of Caldwell, and the town of Lenoir, passed the second and third readings, and was ordered to be enrolled.

On motion of Mr. Williams,

The rule being suspended, the House considered the bill, H. 399, to provide for the insane asylum, and for other purposes. And the question being "shall the bill pass the second reading?"

Mr. Ferebee moved that the 13th line of section 10 be so amended as to insert after the word "brick," the words "or any other durable material;" and it was adopted, and the question recurring,

Mr. Fagg moved the same be postponed until Tuesday, the

8th of February, at 12 o'clock; and the question thereon was pending at 10 o'clock P. M., when

The House adjourned.

WEDNESDAY, FEBRUARY 2, 1859.

Mr. Simonton presented the memorial of C. A. Carlton and others, for a public road between Statesville and Wilkesboro', which was referred to the committee on propositions and grievances.

A message was received from the Senate, transmitting certain engrossed bills entered upon the calendar. Also, a recommendation of certain persons as justices of the peace in Onslow, which was concurred in and sent to the Governor.

The House then considered and adopted the resolution of Mr. Norwood, introduced yesterday, without amendment.

Mr. Masten presented a report from the committee on enrolled bills, that they had examined the following enrolled bills and resolutions, and found them correctly enrolled and ready for ratification, viz :

Act (S. 482) to grant to a company the lands covered by the waters of Hunter's Creek Lake in Craven, Carteret and Jones, with power and authority to drain the same ;

Act (S. 307) to incorporate Lake Landing Canal Company ;

Act (S. 313) to amend an act entitled an act to charter Fairfield Canal Company ;

Resolution (H. R. 225) in favor of Elias Barnes, late sheriff of Wilson county.

Resolution (H. R. 226) in favor of E. D. Nichols, of Johnston county ;

Resolution (H. R. 100) in favor of G. M. Albright, of Alamance ;

Act (H. 60) for the relief of Emily Hooper, of Liberia ;

Resolution (H. R. 15) in favor of L. S. Webb, S. J. Latham and F. W. Moore, trustees of G. L. Moore ;

Resolution (H. R. 115) in favor of John Caldwell's executors ;

Resolution (H. R. 180) in favor of H. H. Davidson, sheriff of Cherokee.

Bills, etc., introduced and passed first reading, as follows:

By Mr. Purdie: bill (562) to amend the charter of Elizabeth Town.

And the following engrossed bills and resolutions from the Senate:

S. R. 563, in favor of Jackson Stewart.

S. 564, concerning pilots at Ocracoke.

S. 565, to extend the corporate limits of Swansboro'.

S. 566, for the relief of the sureties of John D. Abernathy.

S. 567, to renew the charter of the Wilmington and Smithville Steamboat Company.

S. 568, to amend Revised Code, chapter 45, section 29, Executions.

S. 569, to amend the charter of Trenton.

S. 570, to extend the powers of married women.

S. 571, to cede the United States certain lands near the Albemarle and Chesapeake Canal.

H. 572, by Mr. Hargrove, from the judiciary committee, concerning rights of way.

S. 573, to amend the charter of the Western North-Carolina Railroad.

The House resumed the consideration of

H. 399, the bill for the relief of the Insane Asylum, the pending question being upon the motion of Mr. Fagg to postpone.

And the question thereon was put, and it was not adopted.

Mr. Tomlinson offered the following amendment:

Strike out, in section 1, "\$25,000," and insert "\$15,000."

The question upon this amendment was put first upon the motion to strike out, and

Decided in the negative—Yeas, 38

Nays, 60

On motion of Mr. Tomlinson,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baxter, Brummell, Bryson, Burke, Byrd, Cham-

bers, Costner, Cox, of P., Dula, Fagg, Faison, Gaither, of D., Gaither, of I., Gardener, Harrington, Higgins, Holdsclaw, Kirby, McCotter, Masten, Morgan, Reeves, Ripley, Roney, Sanders, Simonton, Simpson, Smith, Speer, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Walker, Walser, Watters, and Watson.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bryan, of C., Bryan, of N. H., Bullock, Burns, Caldwell, of G., Clapp, Cox, of J., Craven, Dancy, Drake, Eller, Faribault, Ferebee, Fleming, Foy, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of S., Hutchins, Jones, of C., Jones, of O., Leak, Leffers, Long, Love, Lyon, McKay, Martin, Meares, Moore, of C., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Scales, Shaw, Smallwood, Sparrow, Speight, Stanford, Waddill, Wallace, Ward, Wilson, Williams, Windley and Woodfin.

Mr. Caldwell, of Guilford, moved to strike out sections 4, 5 and 6 and it was not adopted.

Mr. Williams moved to amend as follows :

Insert in section 6, line 7, after "prosecute," "the justices thereof or;" and it was adopted.

Mr. Tomlinson moved to strike out section 10, and it was not adopted.

The bill then passed the second reading—Yeas, . . . 67

Nays, . . . 27

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bryan, of C., Bryan, of N. H., Bullock, Burns, Cox, of J., Craven, Dancy, Drake, Eller, Faison, Faribault, Ferebee, Fleming, Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore of N. H., Morehead, Newby, Norwood, Outlaw, Pritchard, Purdie, Ransom, Roney, Scales, Shaw, Simpson, Smallwood, Smith,

Sparrow, Speight, Stanford, Stephens, Thornburg, Waddill, Wallace, Ward, Watters, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baxter, Bryson, Burke, Byrd, Chambers, Clapp, Cox, of P., Dickson, Dula, Fagg, Gaither, of D., Gaither, of I., Harrington, Holdscaw, Leak, Morgan, Reeves, Sanders, Simonton, Speer, Taylor, Tomlinson, Thompson, Walker and Watson.

After the roll-call, Mr. Bryson changed his vote, from the affirmative to the negative.

On motion of Mr. Dula,

Mr. Green, of Chatham, being again called, answered "No," and Mr. Caldwell, of Burke, being called, said he was not within the bar, when called.

The bill was then read the third time, and the question put, when

Mr. Outlaw offered the following amendment :

Be it further enacted, That all sums which may hereafter be necessary for the support of the lunatic asylum and the indigent insane, shall be raised by a tax imposed by the General Assembly ; and that a tax of $1\frac{1}{4}$ cents upon the hundred dollars' worth of land, and 5 cents upon the poll, is hereby laid for that purpose, in addition to the tax imposed by the general revenue bill, to be collected and accounted for as other taxes now are.

And the question thereon was put and

Decided in the negative—Yeas, 16

Nays, 76

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Caldwell, of G., Clapp, Ferebee, Fries, Henry, Leak, Moore, of C., Morehead, Morgan, Norman, Outlaw, Smith, Sparrow, Speer, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Benbury, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dockery, Drake, Dula,

Eller, Fagg, Faison, Faribault, Fleming, Gaither, of D., Gaither, of I., Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Kirby, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Newby, Norwood, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speight, Stanford, Stephens, Taylor, Thompson, Thornburg, Tomlinson, Waddill, Walker, Wallace, Walser, Watters, Watson, Wilson and Williams.

The question was then put and decided in the affirmative. So the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 461, Mr Baird's bill to amend the charter of the Greenville & French Broad Railroad Company was, on his motion, postponed to Friday next, at 11 o'clock.

Messages were received from the Senate, informing the House of their concurrence in the bill to open Yadkin river, with amendments, and the bill to charter the Cherokee Turnpike Company, with amendments, which were concurred in; and transmitting the report of the special committee upon the Albemarle & Chesapeake canal, which was ordered to be printed.

H. 240, Mr. Holdsclaw's bill to change the site of the county town of Watanga passed the third reading. Ordered to be engrossed and sent to the Senate.

S. 538, the engrossed bill to amend the charter of the Wilmington and Rutherford Railroad Company, being,

On motion of Mr. Meares,

Taken up and considered, under a suspension of the rules, and the question stated "shall the bill pass the second reading?"

Mr. Smith offered the following amendments thereto:

(1) In section 1, lines 4 and 5, strike out "issue and deliver to the W. C. & R. R. Co.," and insert "issue and dispose of money."

(2) In line 11, strike out from "as the public treasurer," etc., to the end of the section, and insert: "And at such times and places as the public treasurer may direct, for the purpose

of raising the funds hereinafter to be loaned to the W. C. & R. R. Co."

(3) In section 2, line 2, and thereafter, strike out the words "deliver to said company any of the bonds hereby authorized to be delivered," and insert "make any loan to said company of any of the monies received upon any of the bonds hereby authorized to be issued and disposed of."

(4) In lines 8 and 9, strike out "and delivered to the W. C. & R. R. Co.," and insert, in lieu thereof, "and disposed of."

(5) In section 3, strike out the first part of the section, beginning with the words "that the bonds," and ending with the words "delivered as follows," in the 4th line, and insert in lieu thereof, "That the public treasurer shall issue and dispose of the bonds, as herein before directed, from time to time, as may be necessary to make the loans to said company, as required by the provisions of this act; and the said loans shall be made in the sums, and on the conditions following, to-wit:—"

(6) In section 4, strike out the words "to said company;" also, the words "by said company."

And the question being put upon these amendments, they were severally adopted.

Mr. Norwood offered the following amendment:

Be it further enacted, That this act shall be in force from and after its ratification.

And it was adopted.

Mr. Outlaw offered the following amendment:

All certificates made in pursuance of this and previous acts, by the president of the corporation, shall be made under oath, and the board of internal improvements shall, if they deem it necessary, have power to satisfy themselves, by a personal examination of the road, or by taking evidence upon oath, that the said corporation has complied in good faith with the conditions precedent upon which State bonds are to be issued and disposed of.

And it was adopted.

Mr. Ward offered the following amendment:

Strike out all of the 3rd section after the word "Rutherfordton," in the 21st line.

And the question thereon was put and

Decided in the negative—Yeas, 37

Nays, 51

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bryan, of N. H., Burns, Caldwell, of B., Chambers, Clapp, Cox, of P., Dockery, Fagg, Faison, Ferebee, Gaither, of I., Gardener, Green, of F., Henry, Higgins, Kirby, Leak, Martin, Masten, Meares, Morehead, Morgan, Norman, Outlaw, Purdie, Reagan, Ripley, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Ward and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bryan, of C., Bryson, Bullock, Burke, Costner, Dancy, Dickson, Drake, Dula, Faribault, Fleming, Fries, Hall, of W., Hargrove, Harrington, Hill, of S., Holdscraw, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Long, Love, Lyon, McCotter, McKay, Moore, of N. H., Newby, Norwood, Pritchard, Roney, Sanders, Scales, Shaw, Sherrill, Smallwood, Sparrow, Stanford, Thompson, Walker, Wallace, Watters, Watson, Wilson, Williams and Windley.

Mr. Dickson voted after roll-call, and Mr. McKay changed from the affirmative to the negative.

Mr. Caldwell, of Guilford, paired off with Mr. Bridgers.

The question recurring, Mr. Morehead offered the following amendment :

(1) *Be it further enacted*, That section 5 and section 13 of an act passed at the session of 1856-'57, entitled "an act to alter and amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company," are hereby repealed upon the acceptance of this act by the company.

(2) *Be it further enacted*, That the road shall be finished in consecutive sections, beginning at the most eastern section and thence proceeding westward.

Mr. Outlaw demanded a division of the question, and it

was first put upon the motion to repeal the 5th section, and the question thereon was put and

Decided in the negative—Yeas, 21

Nays, 68

On motion of Mr. Morehead,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Burke, Craven, Ferebee, Gaither, of D., Gaither, of I., Henry, Jones, of C., Lewis, Martin, Morehead, Morgan, Norman, Norwood, Outlaw, Sanders, Simonton, Sparrow, Speer, Tomlinson, Thornburg and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bryan, of C., Bryson, Bullock, Burns, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Faison, Faribault, Fleming, Foy, Fries, Gardener, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of O., Kirby, Leak, Leffers, Long, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Newby, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Shaw, Smallwood, Smith, Speight, Stanford, Stephens, Thompson, Walker, Wallace, Ward, Watters, Watson, Wilson, Williams and Woodfin.

After the roll was called, Mr. Bryan, of New Hanover, asked leave to vote, and withdrew it.

Mr. Caldwell, of Guilford, paired off with Mr. Bridgers.

The question then being upon the motion to repeal section 13 of the charter of the Wilmington, Charlotte & Rutherford Railroad Company, as proposed by clause 2 of Mr. Morehead's amendment, the hour for the adjournment arrived,

And the House adjourned.

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NIGHT SESSION—WEDNESDAY, FEBRUARY 2, 1859.

The House resumed the consideration of the engrossed bill (538) from the Senate, to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company—the pend-

ing question being upon the second clause of the amendment of Mr. Morehead, No. 1; and it was put, and

Decided in the negative—Yeas, 31

Nays, 62

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Burns, Burke, Caldwell, of G., Clapp, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Hall, of R., Henry, Hill, of S., Hutchins, Jones, of C., Jones, of O., Lewis, Long, Martin, Masten, Morehead, Norwood, Ontlaw, Roney, Sanders, Simonton, Speer, Speight, Tomlinson, Thompson, Thornburg and Windley.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Blonnt, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Caldwell, of B., Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Eller, Faison, Foy, Gardener, Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Higgins, Holdsclaw, Kerr, Kirby, Leak, Love, Lyon, McCotter, McKay, Meares, Moore, of C., Moore, of N. H., Morgan, Newby, Norman, Pritchard, Purdie, Ransom, Reagan, Reeves, Shaw, Smallwood, Smith, Stephens, Stanford, Waddill, Walker, Wallace, Walser, Watters, Wilson, Williams and Woodfin.

The question then being upon Mr. Morehead's amendment, No. 2, the same was amended by him as follows:

"Be it further enacted, That the road shall be finished in consecutive sections, begining at the Cape Fear, and at Charlotte, and going westwards."

And the question thereon was put, and

Decided in the negative—Yeas, 32

Nays, 68

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bullock, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Eller, Ferebee, Gaither, of D., Gaither,

of I., Hargrove, Henry, Jones of C., Jones, of O., Lewis, McCotter, Martin, Morehead, Morgan, Norwood, Outlaw, Sanders, Shaw, Simonton, Speer, Speight, Tomlinson, Thompson, Thornburg, Ward and Windley.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Benbury, Blount, Bryan, of C., Bryan, of N. H., Bryson, Byrd, Chambers, Costner, Cox, of J., Dancy, Dargan, Dickson, Dockery, Drake, Dula, Faison, Fleming, Foy, Fries, Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Hill, of S., Higgins, Holdsclaw, Hutchins, Kirby, Leak, Leffers, Long, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Newby, Norman, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Scales, Sherrill, Smallwood, Smith, Sparrow, Stanford, Stephens, Taylor, Waddill, Walker, Wallace, Watters, Watson, Wilson, Williams and Woodfin.

The question recurring, Mr. Norwood offered the following amendment:

Strike out, after "\$200,000," before the word "except," to the words "it being," and insert as follows:

"*Provided*, That when the section before the last shall be completed, the president and directors of said company shall receive the sum of \$400,000, as herein provided, unless the last sections shall be less than twenty-five miles, and then a deduction shall be made in the amount of the last mentioned sum in the proportion of \$200,000 to 25 miles of road."

And it was adopted; and the question was then put, and

Decided in the affirmative—Yeas, 74

Nays, 27

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Chambers, Costner, Cox, of J., Dancy, Dargan, Dickson, Dockery, Drake, Eller, Faison, Ferebee, Fleming, Foy, Fries, Gardener, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hill, of S., Higgins, Holdsclaw, Hutchins.

Jones, of O., Kirby, Leak, Leffers, Long, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Newby, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Roney, Scales, Shaw, Sherrill, Smallwood, Smith, Sparrow Speight, Stanford, Stephens, Taylor, Waddill, Walker, Wallace, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Burns, Burke, Clapp, Cox, of P., Craven, Dula, Fagg, Gaither, of D., Gaither, of I., Gentry, Jones, of C., Lewis, McCotter, Martin, Morehead, Morgan, Norman, Reeves, Sanders, Simonton, Speer, Tomlinson, Thompson, Thornburg, Walser, Ward and Windley.

Messrs. Gentry and Reeves voted after the roll was called.

Mr. Caldwell, of G., paired off with Mr. Bridgers, or he would have voted in the negative.

The bill was then read the third time, and the question put "shall this bill pass the third reading?"

Mr. Ward moved the following amendment :

Strike out the proviso in the 3rd section ; and the question being thereon, and the hour of adjournment at hand.

Mr. Martin moved the yeas and nays be ordered ; and the yeas and nays being ordered,

Mr. Ward withdrew the amendment.

Mr. Martin renewed it, and the clerk commenced the call ; and the name of " Mr. Badham " being called, the call was suspended, by unanimous consent.

Mr. Caldwell, of Burke, obtaining the floor, moved that the vote by which the House had passed the engrossed bill (S. 495) concerning Richlands Academy, in Onslow, be reconsidered ; and the question being thereon, the hour for the adjournment arrived, and

The House adjourned.

THURSDAY, FEBRUARY 3, 1859.

Mr. Burke presented the petition of R. Watts, and others, against a public road between Statesville and Wilkesboro' ;

which was referred to the committee on propositions and grievances.

Mr. Outlaw presented a report, in writing, from the committee to investigate the condition of the Western North-Carolina Railroad Company, which, being read, was ordered to be sent to the Senate, with a proposition to print.

Mr. Gentry presented a recommendation of certain justices for the county of Ashe, which was ordered to be sent to the Senate.

Mr. Hill, of Stokes, offered the following:

Resolved, That no member shall speak longer than ten minutes on any one question.

Laid over one day under the rule.

Mr. Ward offered the following resolution:

Resolved, That on and after to-morrow, the House meet at 9, A. M., and adjourn at 2, P. M., meet at 3, P. M., and adjourn at 5, P. M., and meet at 7, P. M., and adjourn at 9, P. M.

Laid over one day under the rule.

Mr. Gaither, of Iredell, introduced the following:

Resolved, That a message be sent to the Senate, proposing the General Assembly adjourn *sine die* on the 15th inst.

And he moved the yeas and nays be ordered thereon.

Mr. Williams moved the same be laid on the table, upon which Mr. Outlaw moved the yeas and nays, and they were ordered and resulted as follows:

Yeas, 43

Nays, 59

The following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Burke, Dancy, Drake, Faison, Fari-bault, Fleming, Foy, Gentry, Green, of F., Hall, of R., Hall, of W., Holdsclaw, Hutchins, Jones, of O., Leffers, Love, McKay, Masten, Meares, Moore, of C., Moore, of M., More-head, Mordecai, Norwood, Ransom, Reeves, Roney, Scales, Simpson, Stanford, Thompson, Walker, Watters, Watson Wilson and Williams.

And the following in the negative, viz:

Messrs. Baxter, Benbury, Brummell, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dargan, Dockery, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of I., Gardener, Gatling, Green, of C., Hargrove, Harrington, Henry, Hill, of S., Higgins, Jones, of C., Leak, Lewis, Lyon, McCotter, Martin, Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Reagan, Ripley, Sanders, Shaw, Sherrill, Simonton, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Wallace, Walser and Windley.

So the House refused to lay the question upon the table, and it recurred.

Mr. Ferebee moved the resolution be amended by striking out, and inserting "the 14th inst., at 7 A. M.;" and it was not adopted, there being counted yeas 36, nays 67.

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Brummell, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Fagg, Ferebee, Fleming, Gaither, of D., Gaither, of I., Hall, of R., Henry, Jones, of C., Jones, of O., Kerr, Martin, Masten, Morehead, Morgan, Norman, Norwood, Outlaw, Roney, Sanders, Scales, Simonton, Smallwood, Sparrow, Speer, Speight, Tomlinson, Thompson, Thornburg, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Byrd, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Dula, Faison, Faribault, Foy, Gardener, Gatling, Green, of F., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Holdslaw, Kirby, Leak, Leffers, Love, Lyon, McCotter, Meares, Moore, of C., Moore, of M., Moore, of N. H., Newby, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Shaw, Smith, Stanford, Stephens, Waddill, Walker, Wallace, Walser, Watters, Watson, Wilson and Williams.

After the roll was called, Messrs. Kerr and Dargan voted, and Mr. Eller was refused leave to vote.

Mr. Scales then moved the resolution be so amended as to insert "adjourn the 8th inst., at ten, P. M.;" and moved that the yeas and nays be ordered, but, previous to the same being ordered, he withdrew that amendment, and offered the following: "Adjourn on Monday, the 7th inst., at 10 A. M."

Upon which the yeas and nays being ordered, on motion of Mr. Outlaw,

Mr. Baird moved the same be laid upon the table; and the question thereon was put, and

Decided in the affirmative—Yeas, 60

Nays, 43

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Caldwell, of B., Costner, Cox, of J., Dancy, Dickson, Drake, Faison, Faribault, Fleming, Foy, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Leffers, Love, McKay, Masten, Meares, Moore, of C., Moore, of M., Morehead, Mordecai, Newby, Norwood, Ransom, Reeves, Ripley, Roney, Scales, Sherrill, Simpson, Thompson, Thornburg, Walker, Wallace, Walser, Ward, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Benbury, Byrd, Caldwell, of G., Chambers, Clapp, Craven, Dockery, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of I., Gardener, Green, of C., Hargrove, Harrington, Henry, Leak, Lyon, McCotter, Martin, Morgan, Norman, Outlaw, Pritchard, Purdie, Reagan, Sanders, Shaw, Simonton, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Waddill, Watters and Windley.

So the resolution was laid upon the table.

Mr. Martin then moved that the House take up the Senate message proposing to adjourn on the 8th instant; and the question thereon was put and

Decided in the negative—Yeas,	36
Nays,	68

On motion of Mr. Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Dula, Eller, Fagg, Ferebee, Gaither, of I., Gardener, Henry, Leak, McCotter, Martin, Morgan, Norman, Outlaw, Pritchard, Purdie, Reagan, Sanders, Simonton, Smallwood, Smith, Sparrow, Speight, Speer, Stanford, Stephens, Tomlinson, Waddill and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Costner, Cox, of J., Dancy, Dickson, Drake, Faison, Faribault, Fleming, Foy, Gaither, of D., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Leffers, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Mordecai, Newby, Norwood, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Taylor, Thompson, Thornburg, Walker, Wallace, Walser, Ward, Watters, Watson, Wilson, Williams and Woodfin.

Bills, etc., of the following titles were introduced, read, passed the first reading, and were disposed of as follows, viz :

By Mr. Gaither, of Iredell : resolution (H. R. 574) in favor of Henry Powell's executors ;

By Mr. Outlaw : resolution (H. R. 575) concerning the public treasurer.

By Mr. Reeves : resolution (576) concerning the Pee Dee and Yadkin rivers. Judiciary.

By Mr. Moore, of Martin : resolution (577) concerning Greensboro' Mutual Insurance Company. Judiciary.

By Mr. Cox, of Pitt : resolution (578) in favor of Franklin Brooks. Claims.

By Mr. Fagg : bill (579) for the relief of trade in Western North-Carolina.

By Mr. McKay: bill (580) relating to the coupon bonds of the Cape Fear Navigation Company. Finance.

By Mr. Ferebee: bill (581) to amend the charter of the North-Carolina Railroad Company.

On motion of Mr. Fleming,

Ordered to be printed.

By Mr. Byrd: bill (582) to amend Revised Code, section 15, Agriculture and Geology.

By Mr. Bryson: resolution (583) concerning the public lands in Jackson.

And the House resumed the consideration of the unfinished business, being section 538, the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company, the pending question being upon the amendment of Mr. Martin; and it was put and

Decided in the affirmative—Yeas, 84

Nays, 11

On motion of Mr. Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baxter, Benbury, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Faribault, Foy, Gardener, Gatling, Gentry, Green, of F., Hall, of W., Hargrove, Harrington, Henry, Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Love, Lyon, McCotter, Martin, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Morehead, Morgan, Newby, Norman, Outlaw, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Waddill, Walker, Walser, Ward, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Bryan, of C., Burke, Gaither, of I., Green, of C., Pritchard, Simonton, Smith, Sparrow, Speer, Wallace and Watters.

After the roll call, Mr. Blount changed his vote.

The question recurring, Mr. Fleming offered the following amendment :

Be it further enacted, That the 13th section of an act passed at the session of 1856-'7, entitled an act to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company, is hereby repealed, upon said company accepting this amendment to its charter.

And it was not adopted ; and the question recurring, was put and

Decided in the affirmative—Yeas, 74

Nays, 25

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Caldwell, of B., Chambers, Costner, Cox, of J., Dancy, Dargan, Dickson, Dockery, Drake, Faison, Faribault, Fleming, Foy, Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of O., Kirby, Leak, Leffers, Love, Lyon, McKay, Meares, Moore, of C., Moore, of M., Moore, of N. H., Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Smallwood, Smith, Sparrow, Speight, Stanford, Stephens, Waddill, Walker, Wallace, Ward, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Burns, Burke, Caldwell, of G., Clapp, Cox, of P., Craven, Dula, Eller, Fagg, Ferebee, Gaither, of D., Gaither, of I., Jones, of C., McCotter, Martin, Morehead, Morgan, Reeves, Sanders, Simonton, Speer, Tomlinson, Thompson, Thornburg, Walser and Windley.

So the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

The House then considered the motion of Mr. Caldwell, of Guilford, to reconsider the vote by which S. 475, concerning

Richlands Academy, passed the third reading; and it was so ordered.

Mr. Foy offered the following amendment:

In section 2, line 10, strike out the words "residing within the above prescribed limits," and insert "who shall have resided within the above prescribed limits, within six months next preceding the day of election;" and the same being adopted, the bill passed the third reading.

Mr. Leffers moved, pursuant to notice, to take up

H. 245, the bill to provide a special magistrate for the town of Beaufort.

Mr. Caldwell, of Burke, objected that he had filed a notice with the clerk of a similar application, before Mr. Leffers, and asked that his motion might have the preference.

The Speaker said that the filing of notices gave no priority, but were merely received as information.

Mr. Leffers' motion was then put and refused.

On motion of Mr. Caldwell, of Burke,

The House then considered

H. 394, his bill to amend the charter of the Western North-Carolina Railroad Company.

The question being "shall the bill pass the second reading?"

Mr. Caldwell, of Burke, offered the following amendment, viz:

Amend 1st section, by striking out the word "one-third," in 14th line, and inserting "one-half." Amend 4th section, by striking out all between the word "State," in line 3, to the word "their," in line 5, and inserting in lieu thereof, the following: "After said road is put under contract, and a sufficiency of money reserved to equip the same to its present terminus on the French Broad river."

And the same were adopted.

Mr. Outlaw offered the following amendments:

In section 2, line 5, after "certified," insert "under oath." In section 2, line 7, before the word "shall," insert "upon being satisfied that the subscriptions are made by solvent individuals, and that the cash payments have been actually and *bona fide* made, (and, to enable them to do so, they shall have

power to examine witnesses on oath or personally inspect the road,) they," &c.

And the same were adopted.

Mr. Ward moved to amend as follows :

Strike out the 4th section ; and it was not adopted, and the question then recurred upon the passage of the bill the second reading, and was put and

Decided in the negative—Yeas, 39

Nays, 53

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Brummell, Bryan, of C., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Dickson, Dula, Eller, Fagg, Faribault, Fleming, Gaither, of I., Hall, of R., Harrington, Higgins, Holdselaw, Leffers, Love, Lyon, Moore, of C., Moore, of N. H., Morehead, Mordecai, Shaw, Sherrill, Simonton, Taylor, Walker, Wallace, Walser, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Baxter, Blount, Bridgers, Bryan, of N. H., Bullock, Chambers, Cox, of P., Craven, Dancy, Drake, Faison, Ferebee, Foy, Gaither, of D., Gatling, Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Henry, Hill, of S., Jones, of C., Leak, Lewis, McCotter, McKay, Martin, Masten, Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reeves, Roney, Sanders, Scales, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Tomlinson, Thompson, Thornburg, Ward and Williams.

After roll-call, Messrs. Simpson and Hill, of Stokes, voted, and Messrs. McKay and Martin asked leave to change to the negative and leave was granted.

Mr. Pritchard paired off with Mr. Long.

The House resumed the calendar, when bills, severally entitled as follows, being read, were passed, or rejected, and other proceedings had, as follows :

H. 9, Mr. McKay's bill concerning the western railroad was,

On motion of Mr. Williams,

Indefinitely postponed.

H. 11, Mr. Moore's bill to increase the number of slave owners was,

On motion of Mr. Hill, of Stokes,

Indefinitely postponed.

H. 67, Mr. Waddill's bill concerning trading with slaves did not pass the second reading.

H. 77, Mr. Jones' bill concerning Revised Code, chapter 31, section 40, Courts, County and Superior, was,

On motion of Mr. Waddill,

Laid on the table.

H. R. 105, Mr. Sparrow's resolution in favor of Jos. Potts. Laid on the table.

S. R. 127, engrossed resolution concerning the distribution of the code to magistrates, &c., being read the second time.

Mr. Hill, of Stokes, moved to amend as follows :

Strike out "*1 Resolved*," and insert the following :

"*Resolved*, That on or before the 1st July next, the secretary of State be and he is hereby directed to write a circular letter to the clerk of the county court, in each and every county of the State, requesting said clerks to inform him, over their seals of office, of the names of the acting justices of the peace in their respective counties, who have qualified since the last session of the General Assembly. Also, the names of those who were appointed at the session of 1854-'5, and qualified, who have not received a copy of the Revised Code. Also, those who may be appointed at the present session, and shall qualify before the rendition of the list hereby required to be made."

And the question being thereon put, it was adopted ; and, so amended, the bill passed the third reading.

Mr. Moore, of Martin, moved that a message be sent to the Senate, proposing to elect forthwith ten trustees of the University ; and it was not adopted.

H. 138, Mr. Martin's bill concerning free-negroes, etc., passed second reading.

H. 140, Mr. Dortch's bill to make corporators competent witnesses, was,

On motion of Mr. Masten,
Indefinitely postponed. Also,

On motion of Mr. Byrd,

H. 182, Mr. Bryan's bill concerning duels and duelling.
Also,

On motion of Mr. Costner,

H. 187, bill to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company. Also,

On motion of Mr. Fleming,

Mr. Foy's bill concerning free negroes.

H. 218, Mr. Reeves' bill concerning free persons of color was, on his motion, postponed to Wednesday next, 11 o'clock.

H. 249, Mr. Norman's bill to regulate fishing in Pamlico, Croatan and other sounds. The question being "shall this bill pass the second reading?"

Mr. Badham moved the same be laid upon the table, and this question was put, and

Decided in the affirmative—Yeas, 91

Nays, 9

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Craven, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Farrow, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Purdie, Reagan, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Watters, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Clapp, Gaither, of D., Martin, Moore, of M., Outlaw, Reeves, Smallwood, Smith and Ward.

H. 256, Mr. Byrd's bill concerning justices of the peace did not pass second reading.

H. 268, Mr. Norwood's bill to charter Hillsboro' Savings Institute, (the amendments proposed by the committee being first adopted,) passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 276, Mr. Wallace's bill to facilitate the collection of debts did not pass the second reading.

H. 277, Mr. Harrington's bill to amend an act concerning Harnett superior court passed second and third readings.

Ordered, To be engrossed and sent to the Senate.

H. 278, Mr. Meares' bill to amend Revised Code, chapter 85, Pilots, was,

On motion of Mr. Green, of Franklin,

Laid upon the table.

H. 280, Mr. Ward's bill to authorize the consolidation of certain railroad companies was,

On motion of Mr. Hill, of Stokes,

Indefinitely postponed.

H. 281, Mr. Foy's bill to establish the fees of clerks, and clerks and masters, was,

On motion of Mr. Bryan, of Craven,

Laid upon the table,

Yeas, 55

Nays, 35

On motion of Mr. Foy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Cox, of P., Chambers, Craven, Dancy, Dargan, Dickson, Faison, Ferebee, Fleming, Gaither, of I., Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Jones, of O., Kerr, Kirby, Leak, Lyon, McCotter, McKay, Martin, Meares, Moore, of C., Morehead, Morgan, Newby, Norwood, Ripley, Roney, Shaw, Sherrill, Simonton, Simpson,

Smallwood, Sparrow, Thompson, Thornburg, Walser, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Burke, Byrd, Caldwell, of B., Clapp, Costner, Cox, of J., Drake, Dula, Eller, Fagg, Foy, Gaither, of D., Gardener, Hall, of R., Hutchins, Leffers, Masten, Pritchard, Pardie, Reagan, Reeves, Sanders, Scales, Speer, Speight, Stanford, Stephens, Tomlinson, Walker, Wallace, Ward, Waters, Watson and Wilson.

After the roll, Messrs. Cox, of P., and Lyon voted, and Mr. Baird changed his vote.

H. 285, Mr. Morehead's bill to charter the Steele Gold Mining Company, (the committee amendments being first rejected,) passed the second and third readings.

Ordered, That the title thereof be changed to that of a bill to charter the Baltimore and Montgomery Mining Company, and that it be engrossed and sent to the Senate.

H. 286, Mr. Morehead's bill to charter the Lizzard Dale Copper Mining Company, the amendments of the committee being not adopted, passed the second and third readings.

H. 287, Mr. Morehead's bill to charter the Halsey Mining and Smelting Company, the amendments of the committee not being adopted, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. R. 394, resolution of Mr. Jones, of Orange, in favor of A. C. Murdock, did not pass the second reading.

H. R. 298, Mr. Hutchins' resolution in favor of W. L. Pomeroy passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

On motion of Mr. Moore, of Chatham, the House considered H. 133, the bill to charter the Alamance Mining and Manufacturing Company, which was read the third time, passed the third reading, and ordered to be engrossed and sent to the Senate.

Mr. Outlaw gave notice that he would to-morrow move to rescind the rule requiring the clerk to keep a calendar.

H. 300, Mr. Dancy's bill concerning bastards was,

On motion of Mr. Outlaw,

Indefinitely postponed.

H. 301, Mr. Moore's bill to charter Lillington, in New Hanover county, passed the second and third readings. Ordered to be engrossed and sent to the Senate.

H. 302, Mr. Smallwood's bill to increase the public revenue did not pass the second reading.

H. 303, Mr. Smith's bill concerning registration and deeds, (the same being amended by inserting the word "adjoining" after the word "other" and before the word "county" in line 7, section 1; and between the same words in line 4, section 2; and by striking out the word "other" in both sections,) passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

S. 308, to charter Oak City Savings Bank passed second and third readings, and was ordered to be enrolled.

H. 318, Mr. Bryan's bill to amend the charter of the Bank of Wilmington passed the second reading; and then the question being "shall the bill pass the third reading?" it was informally passed over, and

H. 320, Mr. Leffers' bill to charter the Beaufort Steamboat Ferry Company was read the second time, when Mr. Leffers offered the following amendment:

Add at the end of section 5 "and the said commissioners shall have power to negotiate a loan or loans, and issue the bonds of the town as security for the payment of such loan or loans, and shall be authorized to levy a tax on the land and polls of said town, for the payment of said subscription."

Mr. Caldwell, of Guilford, gave notice that he should to-morrow move to set aside a day for the consideration of the subject of banking and currency.

H. 322, Mr. Love's bill to prevent the sale of adulterated spirituous liquors, the committee's amendments being first adopted, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

The House resumed the consideration of H. 318, to amend the charter of the Bank of Wilmington, the question being "shall the bill pass the third reading?"

Mr. Caldwell, of Guilford, moved to amend as follows:

Strike out all of section 2 after the word "reopened," and it was adopted.

And the question recurring, Mr. Scales moved the same be postponed until 7 o'clock to-night, and it was not adopted.

Mr. Scales offered the following amendment:

Be it further enacted, That whenever said bank shall suspend specie payments, it shall pay all its profits, during the continuance of the suspension, into the hands of the public treasurer.

And the yeas and nays being ordered thereon, and the question pending, the hour for the adjournment arrived, and The House adjourned.

NIGHT SESSION, THURSDAY, FEBRUARY 3, 1859.

The House resumed the consideration of

H. 308, the bill to amend the charter of the bank of Wilmington, the pending question being upon the amendment of Mr. Scales; and the same being withdrawn,

Mr. Bryan, of New Hanover, offered the following amendment:

Be it further enacted, That the bank of Wilmington is hereby authorized to issue bills of the denomination of \$3 and \$4, anything in the charter of said bank to the contrary notwithstanding.

And the question being thereon,

Mr. Jones, of Orange, offered the following amendment thereto:

But that nothing herein contained shall be construed to prevent the General Assembly from hereafter preventing said bank from issuing bills of a less denomination than \$5.

And this amendment was adopted.

And the question being upon the amendment of Mr. Bryan, of New Hanover, was put and

Decided in the negative—Yeas, 30

Nays, 51

On motion of Mr. Bryan, of New Hanover,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Brummell, Bryan, of N. H., Burns, Byrd, Chambers, Dargan, Dickson, Dockery, Gaither, of D., Gardener, Green, of C., Leak, Lyon, McCotter, McKay, Moore, of N. H., Morehead, Purdie, Sherrill, Simonton, Smallwood, Speer, Stanford, Stephens, Taylor, Thornburg, Waddill, Walser and Wilson.

And the following in the negative, viz :

Messrs. Badham, Baird, Baxter, Bridgers, Bryan, of C., Burke, Caldwell, of B., Caldwell, of G., Clapp, Cox, of J., Cox, of P., Dancy, Drake, Dula, Eller, Fagg, Ferebee, Fleming, Foy, Fries, Gaither, of I., Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hill, of S., Higgins, Jones, of O., Kerr, Leffers, Martin, Masten, Morgan, Norman, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Sanders, Shaw, Simpson, Sparrow, Tomlinson, Thompson, Williams and Windley.

Mr. Bridgers offered the following amendment :

This bank shall issue no bill of a larger denomination than \$5, unless it be 10 or its multiple.

And it was adopted.

The question recurring,

Mr. Caldwell, of Burke, offered the following amendment :

Be it, &c., That if said bank suspends specie payments, it shall forfeit to the State all its profits during such suspension.

Mr. Fleming offered the following amendment thereto :

Strike out the words "all its profits," and insert "three per cent. on the amount of its circulation;" and it was not adopted; and the question on the amendment was put, and

Decided in the negative—Yeas, 28

Nays, 73

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bryson, Burke, Caldwell, of B., Clapp, Craven, Dockery, Dula, Eller, Fagg, Faribault, Gaither, of I., Gaither, of D., Hargrove, Higgins, Lewis, Moore, of C.,

Morgan, Norman, Reeves, Sanders, Simonton, Speer, Speight, Stephens, Tomlinson, Williams and Windley.

And the following in the negative, viz:

Messrs. Badham, Barbee, Baxter, Benbury, Bridgers, Byrd, Brummell, Bryan, of C., Bryan, of N. H., Burns, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Drake, Faison, Ferebee, Fleming, Foy, Fries, Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Henry, Hill, of S., Hutchins, Jones, of C., Jones, of O., Keri, Kirby, Leak, Leffers, Lyon, McCotter, McKay, Martin, Masten, Moore, of N. H., Morehead, Newby, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Stanford, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watters, Watson and Wilson.

Mr. Gaither, of Iredell, offered the following amendment:

Be it further enacted, That if said bank shall at any time suspend specie payments, it shall not be lawful for it, during said suspension, to discount any note; and any cashier, or other employee of said bank, who shall, in violation of this section, discount any note, shall be deemed guilty of a misdemeanor, and shall be indictable in the superior court of the county where said bank is situated, and, upon conviction thereof, shall be fined at the discretion of the court, and imprisoned not less than three months."

And it was not adopted.

Mr. Caldwell, of Burke, then offered the following amendment:

Be it further enacted, That if said bank shall suspend specie payment at any time, and shall, during said suspension, discount any note, said note so discounted shall not be collectable, and may be avoided upon plea of the defendant.

And it was not adopted—Yeas, 19

Nays, 81

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Caldwell, of B., Caldwell, of G., Clapp, Craven, Eller, Faribault, Fleming, Gaither, of I., Gentry, Green, of F., Hargrove, Lyon, Reeves, Simonton, Simpson, Speer, Stephens and Tomlinson.

And the following in the negative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Fagg, Faison, Ferebee, Foy, Fries, Gaither, of D., Gardner, Gatling, Green, of C., Hall, of R., Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Ripley, Roney, Sanders, Shaw, Sherrill, Smallwood, Sparrow, Speight, Stanford, Taylor, Thompson, Thornburg, Waddill, Walker, Walser, Wallace, Ward, Watters, Watson, Wilson, Williams and Windley.

After roll-call, Mr. Gaither, of I., changed from the negative to the affirmative, and Mr. Barbee voted.

The question recurring, Mr. Gaither, of I., moved the same be laid upon the table ; and the question thereon was put and

Decided in the negative—Yeas, 7

Nays, 95

On motion of Mr. Gaither, of I ,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Caldwell, of B., Gaither, of I., Martin, Moore, of C., Pritchard, Simonton and Speer.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dargan, Dickson, Drake, Dockery, Dula, Eller, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hill, of S.,

Higgins, Holdsclaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Speight, Stanford, Stephens, Tomlinson, Taylor, Thompson, Thornburg, Waddill, Walker, Wallace, Ward, Walser, Watters, Watson, Wilson, Williams, Windley and Woodfin.

Mr. Hall, of R., voted after the roll was called.

The question then recurred, "shall this bill pass the third reading?" and was put and

Decided in the affirmative—Yeas, 98

Nays, 4

On motion of Mr. Speer,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Benbury, Bridgers, Brummell, Bryan, of C., Bryan of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watters, Watson, Wilson, Williams, Windley and Woodfin.

An the following in the negative, viz :

Messrs. Caldwell, of B., Gaither, of I., Martin and Pritchard.

So the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 32, Mr. Foy's bill to charter the Beaufort Harbor & Coalfields Railroad Company, passed third reading, and was ordered to be engrossed and sent to the Senate.

H. 137, Mr. Smith's bill to alter the time of holding the Supreme Court passed third reading, and was ordered to be engrossed and sent to the Senate.

H. 150, Mr. Green's bill to prohibit the sale of spirituous liquors to free persons of color. The question being "shall this bill pass the third reading?"

Mr. Outlaw moved to amend the same as follows :

Insert the words "or magistrate" after the word "physician," in — line ; and it was adopted.

And the bill, so amended, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 161, Mr. Bridger's bill to amend Revised Code, chapter 42, Entries and Grants. The question being "shall this bill pass the third reading?"

Mr. Byrd moved the same be indefinitely postponed, and

Mr. Ward moved the yeas and nays be ordered thereon, when

Mr. Byrd withdrew his motion, which was immediately renewed by Mr. Fleming. And the call for the yeas and nays being withdrawn, the motion was put and decided in the affirmative,—there being counted yeas 51, nays 27. So this bill was indefinitely postponed.

H. 186, Mr. Fagg's bill to establish a public road in the county of Madison, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 204, Mr. Bridgers' bill to settle the county lines between Wayne and Wilson passed the third reading, and was ordered to be engrossed and sent to the Senate.

And then the House adjourned.

FRIDAY, FEBRUARY 4, 1859.

Mr. Burke presented a recommendation of certain persons as justices of the peace for the county of Alexander.

Mr. Bridgers a similar recommendation for the county of Wilson.

The House considered the resolution of Mr. Hill, of Stokes, introduced yesterday, and, on his motion, the same was laid on the table.

The resolution of Mr. Dancy, offered yesterday, was, on his motion, laid on the table.

Mr. McKay moved the House reconsider the vote, by which the bill (H. 394) to amend the charter of the Western North-Carolina Railroad Company, was rejected; and the question thereon was put, and

Decided in the affirmative—Yeas, 75

Nays, 20

On motion of Mr. Stephens,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Dancy, Dargan, Dickson, Dockery, Drake, Dula, Eller, Fagg, Fari-bault, Fleming, Foy, Fries, Gaither, of I., Gardener, Green, of C., Green, of F., Hall, of W., Harrington, Henry, Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Leak, Leffers, Love, McKay, Martin, Meares, Moore, of C., Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Ransom, Reagan, Ripley, Shaw, Sherrill, Simonton, Simpson, Sparrow, Stanford, Stephens, Taylor, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watters, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Blount, Bridgers, Bullock, Cox, of J., Cox, of P., Hargrove, Lewis, Lyon, McCotter, Masten, Moore, of M., Morgan, Purdie, Reeves, Roney, Sanders, Smallwood, Speer, Speight, Tomlinson and Thompson.

Mr. Clapp voted after the roll was called.

Mr. Gaither, of Davie, paired off with Mr. Hall, of Rowan.

And the question recurring upon the passage of the bill the second reading,

Mr. Fleming offered the following amendment:

"*Provided*, That the State shall not be called upon to pay more than \$600,000 of the subscriptions hereby authorized during any one year;" and it was adopted.

On motion of Mr. Norwood,

The bill was then postponed until 12 o'clock, on Monday next.

On motion of Mr. Badham,

The bill (486) concerning the Albemarle & Chesapeake Canal Company was made a special order for Tuesday next, 11 o'clock.

On motion of Mr. Baird,

The special order, viz: the bill (461) concerning the Greenville & French Broad Railroad Company, was postponed until Monday next, at 7 P. M.

The House resumed the calendar.

H. 138, Mr. Martin's bill providing for the hiring out of free negroes in certain cases. The question being "shall this bill pass the third reading?"

Mr. Smith offered the following amendment:

Be it further enacted, That the proceeds of hire of any free negro, who shall have been hired out to pay a fine imposed upon him, or for such sum as the court may adjudge to be proper for the maintenance of a bastard child with which he is charged, according to the provisions of sections 75 and 76, chapter 107, Revised Code, entitled Slaves and Free Negroes, shall be applied in payment of the costs incurred in the prosecution, and shall be a discharge *pro tanto* therefrom.

And it was adopted; and the bill, so amended, passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 188, Mr. Sparrow's bill to provide more effectually for preventing the escape of slaves passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 195, Mr. Stanford's bill to charter the Black Swamp Navigation Company was, on his motion, laid upon the table.

H. 203, Mr. Sparrow's bill to charter the Medical Society

of North-Carolina. The question being "shall this bill pass the third reading?"

Mr. Gaither, of Iredell, offered the following amendment :

Provided, That the provisions of this bill shall not extend to or embrace the class of physicians known as root, steam and cold water doctors.

And it was not adopted.

Mr. Clapp offered the following :

Strike out the 14th section.

Mr. Smith offered the following amendment thereto :

Strike out the latter part of the 14th section, from the words "that all the bonds," &c., to the end of the section.

And the same was adopted.

The question being upon the amendment, as amended, it was not adopted.

Mr. Dula moved that the bill be indefinitely postponed ; and the question thereon was put, and

Decided in the negative—Yeas, 39

Nays, 62

On motion of Mr. Sparrow,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Baxter, Bridgers, Bryan, of C., Byrd, Chambers, Clapp, Costner, Cox, of P., Dancy, Dockery, Dula, Fagg, Gaither, of I., Gardener, Gentry, Hall, of W., Hill, of S., Holdsclaw, Leak, Leffers, Lewis, McCotter, Masten, Meares, Morgan, Purdie, Reeves, Reagan, Ripley, Roney, Sanders, Simonton, Speer, Stephens, Tomlinson, Thompson, Watson and Wilson.

And the following in the negative, viz :

Messrs. Badham, Baird, Benbury, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Caldwell, of G., Cox, of J., Craven, Dargan, Dickson, Drake, Eller, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gatling, Green, of C., Green, of F., Hargrove, Harrington, Henry, Higgins, Jones, of O., Kirby, Love, Lyon, Martin, Moore, of C., Moore, of M., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Ransom, Scales, Shaw, Sherrill, Simpson,

Smith, Sparrow, Speight, Stanford, Taylor, Thornburg, Waddill, Walker, Walser, Ward, Watters, Williams, Windley and Woodfin.

After the roll, Mr. Badham voted.

So the House refused to postpone the question indefinitely, and it recurred.

Mr. Fagg moved that the 2nd section be stricken out; and the question thereon was put, and

Decided in the negative—Yeas, 34

Nays, 61

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Barbee, Baxter, Bryan, of C., Byrd, Caldwell, of G., Clapp, Costner, Cox, of P., Dancy, Dockery, Dula, Fagg, Gaither, of I., Hall, of W., Hill, of S., Higgins, Holdscraw, Leak, Leffers, McCotter, Masten, Morgan, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Simonton, Speer, Stephens, Tomlinson and Thompson.

And the following in the negative, viz:

Messrs. Badham, Baird, Bridgers, Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Cox, of J., Craven, Dargan, Dickson, Drake, Eller, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Jones, of C., Jones, of O., Kirby, Love, Lyon, Martin, Moore, of M., Moore, of N. H., Morehead, Newby, Norwood, Outlaw, Pritchard, Ransom, Shaw, Sherrill, Simpson, Smallwood, Smith, Sparrow, Speight, Stanford, Taylor, Thornburg, Waddill, Wallace, Walser, Ward, Watters, Wilson, Williams, Windley and Woodfin.

Mr. Bryan, of Craven, moved that the bill be laid upon the table; and it was not adopted.

Mr. Holdscraw offered the following amendment:

This law shall not apply to Watauga county, but Watauga county shall be exempt from said law; and, pending the same, the following: "*Provided*, This act shall not apply to women doctors."

And this amendment being rejected,

Mr. Fagg offered the following :

This bill shall not be so construed as to affect any person who may have a certificate or diploma from any medical college in the United States.

The question thereon was put, and

Decided in the negative—Yeas, 36

Nays, 59

On motion of Mr. Fagg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Baxter, Bridgers, Bryan, of C., Byrd, Caldwell, of G., Chambers, Clapp, Cox, of P., Dancy, Dockery, Eller, Fagg, Gaither, of I., Gentry, Hall, of W., Hill, of S., Holdscaw, Leffers, Lewis, McCotter, Masten, Morgan, Purdie, Reagan, Reeves, Roney, Sanders, Simonton, Simpson, Speer, Stephens, Tomlinson, Thompson, Thornburg and Walker.

And the following in the negative, viz :

Messrs. Badham, Baird, Benbury, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Cox, of J., Dargan, Dickson, Drake, Faison, Faribault, Ferebee, Foy, Fries, Gaither, of D., Green, of F., Hargrove, Harrington, Henry, Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Love, Lyon, McKay, Martin, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Ransom, Ripley, Shaw, Smallwood, Smith, Sparrow, Speight, Stanford, Taylor, Waddill, Wallace, Walser, Ward, Watters, Watson, Williams, Windley and Woodfin.

Mr. Watson voted after the roll was called.

The question then recurred, "shall this bill pass the third reading?" was put, and

Decided in the affirmative—Yeas, 68

Nays, 35

On motion of Mr. Clapp,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Benbury, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Cox, of J., Craven,

Dargan, Dickson, Drake, Eller, Faison, Faribault, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gatling, Green, of F., Hargrove, Harrington, Henry, Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Love, Lyon, McKay, Martin, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Ransom, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speight, Stanford, Taylor, Thornburg, Waddill, Wallace, Walser, Ward, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Baxter, Bridgers, Bryan, of C., Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of P., Dula, Dancy, Dockery, Fagg, Gentry, Green, of C., Hall, of W., Hill, of S., Holdslaw, Leffers, Lewis, McCotter, Masten, Morgan, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Speer, Stephens, Tomlinson and Thompson.

So the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

The Senate informed the House, by message, of their concurrence in the proposition to print the report of the joint select committee on the Western North-Carolina Railroad, with the accompanying documents. The Senate transmitted, also, an engrossed resolution (S. R. 585) in favor of Elisha Holland. Also, a message concurring in the amendments to the Wilmington, Charlotte & Rutherford Railroad Company, and to the Senate bill to prevent the sale of spirituous liquors within two miles of Buffalo academy.

Mr. Caldwell, of Burke, brought it to the notice of the House, that the action of the Senate, upon the amendments adopted in this body to the bill to amend the charter of the Wilmington, Charlotte & Rutherford Railroad Company, was premature, inasmuch as the amendments had been adopted only yesterday in this House, and the rules in practice require that a day should intervene, for the purpose of giving time for reconsideration. An enquiry being immediately instituted, it was ascertained that the bill had been taken to the Senate inadvertently, and therefore it was

Resolved, That a message be sent to the Senate, informing them of the same, and requesting them to rescind their action until the bill shall come before them regularly.

The message was accordingly sent, but the Senate had adjourned.

Bills, etc., of the following titles, then being read the third time, passed the third reading, viz:

H. 138, Mr. Masten's bill providing for hiring out free negroes in certain cases.

H. 188, Mr. Sparrow's bill to provide more effectually against the escape of slaves.

H. 205, Mr. Sherrill's bill to amend the charter of Catawba College,—the same being first amended,

On motion of Mr. Sherrill,
as follows:

An election shall be ordered by the special court of the county of Catawba at any time before the 1st of May next, ten day's notice thereof being previously given, to be held by the sheriff of said county under the same rules and regulations that other elections are held; and all persons within the corporate limits of the town of Newton, who are qualified to vote for members of the Legislature, shall be entitled to vote in said election; and if a majority of the qualified voters within the said corporate limits vote "yea," then this act shall be in full force and effect, but if a majority of them vote "no," then this act shall be null and void.

Ordered, That they be engrossed and sent to the Senate.

Senate bill (210) to amend Revised Code, chapter 59, section 19, Executions. Ordered to be enrolled.

H. 216, the bill to amend the charter of the town of Salisbury.

H. R. 220, the resolution in favor of R. J. Mitchell, of Granville.

H. 239, the bill to limit the powers of constables in Cherokee county—the same being first amended, on motion of Mr. Watson, so as to include the county of Robeson.

H. 244, Mr. McKay's bill concerning the powers of county courts.

H. 245, Mr. Leffers' bill to provide a special magistrate for the town of Beaufort, in Carteret county.

H. 250, the bill to charter Unanimity Lodge, No. 7, of Edenton.

H. 251, the bill concerning witnesses in Lenoir county.

Ordered, That they be engrossed and sent to the Senate.

S. 258, bill to establish the 113th regiment North-Carolina militia, in Wilson county.

S. 259, bill to amend the charter of the Chiowee Turnpike Company.

S. 261, bill concerning auctions and auctioneers.

Ordered, That they be enrolled.

H. R. 263, resolution in favor of Wm. Thompson.

H. 271, bill to authorize the joinder of certain counts in actions at law.

Ordered, That they be engrossed and sent to the Senate.

S. 270, bill to amend the charter of the Okonolufu Turnpike Company. Enrolled.

H. R. 274, resolution in favor of E. D. Davis, of Jackson.

H. R. 283, resolution in favor of Jas. F. Jenkins.

H. 289, bill to charter Jonesville Male and Female High School, in Yadkin county.

H. 291, bill to regulate 92nd regiment North-Carolina militia.

H. 295, bill for the relief of common schools in Orange and Wake.

H. R. 297, resolution in favor of Jas. B. Harding, sheriff of Beaufort.

Ordered, That they be engrossed and sent to the Senate.

S. 304, bill to amend the charter of Newton, in Catawba.

S. 305, bill to charter Salisbury Gas-Light Company.

S. R. 306, in favor of Jas. A. Vinson.

S. R. 310, in favor of Theodore Schrader.

S. R. 311, in favor of Sarah A. Johnson.

S. 314, bill to charter the Long Acre Guards.

Ordered, That they be enrolled.

S. 312, bill concerning the sheriff of Cabarras was, on motion of Mr. Burns, indefinitely postponed.

H. 316, bill to charter the town of Webster.

H. 317, bill to charter the University Railroad Company, the same being amended so as to insert, after the word "railroad," wherever it occurs, "turnpike or tram road."

Ordered, That they be engrossed and sent to the Senate.

S. 325, bill to amend the law concerning public roads in Henderson and Buncombe.

S. 326, bill to alter the terms of court in Jones county.

S. 327, bill to amend Revised Code, chapter 28, section 2, County Revenue and Charges.

Ordered, That they be enrolled.

H. 342, bill to amend the charter of the Fayetteville & Albemarle Plankroad Company, the same being first amended so as to add "for every head of hogs, cattle and sheep, two cents."

H. 352, bill for the relief of the fire department in New Berne.

Ordered, That they be engrossed and sent to the Senate.

Bills, etc., of the following titles, upon the second reading, passed or were otherwise disposed of, as follows :

H. 319, Mr. Walker's bill to establish the county of Hiawasee, the question being "shall this bill pass the second reading?"

Mr. Ferebee moved the same be indefinitely postponed, and Mr. Woodfin moved the yeas and nays be ordered.

Mr. Outlaw moved the same be laid upon the table ; and this question was put and

Decided in the affirmative—Yeas, 46

Nays, 42

On motion of Mr. Walker,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Benbury, Bryan, of C., Bullock, Burns, Burke, Chambers, Craven, Dancy, Drake, Faribault, Ferebee, Foy, Fries, Green, of F., Hall, of W., Hargrove, Henry, Hutchins, Jones, of O., Kirby, Leak, Leffers, Lewis, Lyon, McCotter, Moore, of M., Morgan, Newby, Norman, Outlaw, Purdie, Ransom, Roney, Sanders, Scales, Smith,

Sparrow, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Ward and Windley.

And the following in the negative, viz :

Messrs. Baird, Brummell, Bryan, of N. H., Bryson, Byrd, Caldwell, of G., Clapp, Costner, Dickson, Dockery, Dula, Eller, Fagg, Faison, Fleming, Gaither, of D., Gaither, of I., Gentry, Green, of C., Harrington, Higgins, Holdscaw, Love, Masten, Meares, Moore, of N. H., Morehead, Norwood, Pritchard, Reagan, Reeves, Ripley, Shaw, Sherrill, Simonton, Simpson, Speer, Walker, Wallace, Watters, Wilson and Woodfin.

Mr. Tomlinson, changed his vote.

Mr. Hill, of Stokes, asked for, and was refused, leave to vote.

S. 328, to amend the charter of the Bank of Cape Fear, was,

On motion of Mr. Ontlaw,

Postponed until 7, this evening.

S. 329, to amend the attachment and ship lien law passed second reading. Also,

H. 330, bill to charter Roanoke Steam Navigation Company.

H. R. 331, in favor of Lewis Payne, of Cherokee.

H. 332, for the more effectual suppression of the traffic with slaves.

H. 333, Mr. Ransom's bill to establish the Bank of North-Carolina was, on his motion, made a special order for Wednesday, at 12 o'clock.

H. 335, Mr. Whitfield's bill concerning special laws did not pass the second reading.

And then, it being 3 o'clock, the House adjourned.

NIGHT SESSION—FRIDAY, FEBRUARY 4, 1859.

H. 336, Mr. Bryson's bill to limit the time for bringing certain prosecutions. The question being "shall the bill pass the second reading?" was put, and

Decided in the negative—Yeas, 25

Nays, 58

On motion of Mr. Bryson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Baxter, Brummell, Bryson, Byrd, Dickson, Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Harrington, Higgins, Leffers, Love, Meares, Purdie, Reeves, Ripley, Sanders, Simonton, Walker, Ward, Watters and Wilson.

And the following in the negative, viz :

Messrs. Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Caldwell, of B., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dockery, Drake, Ferebee, Fleming, Foy, Fries, Green, of F., Hall, of W., Hargrove, Henry, Hill, of S., Hutchins, Jones, of O., Leak, Lewis, Lyon, McCotter, McKay, Martin, Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Pritchard, Ransom, Roney, Scales, Shaw, Sherrill, Simpson, Smith, Sparrow, Speer, Speight, Stanford, Taylor, Tomlinson, Thompson, Thornburg, Wallace, Watson and Williams.

Messrs. Drake, Craven, Moore, of M., and Moore, of N. H., voted after roll-call.

Mr. Costner changed his vote.

Mr. Caldwell, of Guilford, was refused leave to vote.

So the bill did not pass the second reading.

The House resumed the consideration of S. 328, the engrossed bill to amend the charter of the Bank of Cape Fear, when

Mr. Caldwell, of Guilford, offered the following amendment :

“It shall not be lawful for any officer in the said bank to hold any office of any character whatever in any other banking corporation in or out of the State ;” and it was adopted.

Mr. Bridgers offered the following amendment :

“The bank shall issue no note of a larger denomination than \$5, unless it be \$10, or its multiple :” and it was adopted.

ed. And the question recurring, the bill passed the second reading.

H. 337, Mr. Fleming's bill to prevent the emancipation of slaves by will. The question being "shall this bill pass the second reading?"

Mr. Fleming offered the following amendment, viz :

" Any slave directed to be emancipated by will heretofore made, shall have the right to enslave himself in the following manner, viz : He shall, by his next friend, file his petition in the county and superior courts of the county in which he resides, praying the same and stating who he desires to be his owner and master ; and the said court shall hear said petition, and shall examine the said slave privily and apart, in the same manner that *femes covert*s are examined touching their voluntary assent to the execution of a deed ; and if, upon said examination, said slave doth declare that said application is voluntary, without any improper influence, the said court may grant the prayer of the petition, and a reference shall be made to the clerk, or other person, to ascertain the value of said slave, and, upon report of the same, the court shall decree that the petitioner shall be the slave of the person named in said petition as the owner and master, upon said proposed owner paying the said value to the board of superintendents of common schools of the county in which said slave resides. And the same shall constitute a portion of the school fund for said county, and said value shall be paid before final decree, and the court shall have power to continue the case for one term only to give time for said payment, only upon condition that bond with good security is given payable to the State, conditioned for the good behavior of said slave, during said time, and to indemnify the county from all charges for his support.

2. " That said final decree shall vest in said proposed owner and master all the rights over said slave which owners and masters have in slaves by the law of this State."

And the question being thereon, Mr. Windly moved the same be indefinitely postponed ; and the question being thereon was put, and

Decided in the negative—Yeas, 33

Nays, 65

On motion of Mr. Windley,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dargan, Eller, Foy, McCotter, McKay, Moore, of N. H., Morehead, Morgan, Norwood, Reagan, Ripley, Scales, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Thornburg, Waddill, Wallace, Williams and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bridgers, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Costner, Cox, of P., Dancy, Dickson, Drake, Dula, Fagg, Faribault, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Leak, Lewis, Love, Lyon, Martin, Meares, Moore, of C., Moore, of M., Newby, Norman, Outlaw, Purdie, Pritchard, Reeves, Roney, Sanders, Shaw, Sherrill, Simonton, Stanford, Tomlinson, Thompson, Walker, Walser, Watters, Ward and Wilson.

After the roll, Messrs. Chambers and Simonton voted.

So the House refused indefinitely to postpone the question, and it recurred, when

Mr. Ferebee offered the following amendment :

“When any free negro shall desire to become a slave, he may do so, under the provisions of this bill.”

Mr. Chambers moved the bill and amendments be laid upon the table; and the question being thereon was put, and

Decided in the negative—Yeas, 48

Nays, 50

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp,

Costner, Cox, of J., Dargan, Dula, Eller, Gardener, Gatling, Gentry, Green, of C., Holdscaw, Leffers, Lewis, McCotter, McKay, Martin, Masten, Morehead, Morgan, Norman, Norwood, Reagan, Ripley, Scales, Shaw, Simpson, Smallwood, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Waddill, Wallace, Walser, Williams and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bridgers, Burke, Cox, of P., Dancy, Dickson, Dockery, Drake, Fagg, Faison, Faribault, Ferebee, Fleming, Foy, Gaither, of I., Hargrove, Harrington, Henry, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Love, Lyon, Moore, of C., Moore, of M., Newby, Outlaw, Pritchard, Purdie, Reeves, Roney, Sanders, Sherrill, Simonton, Speight, Stanford, Thompson, Walker, Ward, Watters, Wilson and Woodfin.

Messrs. Bryan, of C., and Sherrill voted after roll was called.

Messrs. Cox, of P., and Stanford changed their votes.

The House having refused to lay the question upon the table, the question upon the amendment of Mr. Ferebee was put, and

Decided in the affirmative—Yeas, 56

Nays, 41

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baxter, Benbury, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Caldwell, of B., Chambers, Cox, of P., Cox, of J., Dancy, Dickson, Dockery, Drake, Dula, Faison, Faribault, Ferebee, Foy, Fries, Gaither, of I., Gardener, Gatling, Green, of C., Hargrove, Henry, Hill, of S., Holdscaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leak, Lyon, Leffers, McCotter, McKay, Masten, Moore, of M., Moore, of N. H., Newby, Norman, Outlaw, Pritchard, Purdie, Reeves, Roney, Sanders, Shaw, Smallwood, Sparrow, Speight, Taylor, Tomlinson, Walser and Ward.

And the following in the negative, viz :

Messrs. Baird, Barbee, Brummell, Bryson, Burns, Burke, Byrd, Clapp, Costner, Dargan, Eller, Fagg, Fleming, Gaither,

of D., Gentry, Harrington, Higgins, Love, Martin, Moore, of C., Morehead, Morgan, Norwood, Reagan, Ripley, Scales, Sherrill, Simonton, Simpson, Smith, Speer, Stanford, Stephens, Thornburg, Waddill, Walker, Wallace, Watters, Williams, Wilson and Windley.

Messrs. Byrd and Fagg voted after the roll was called.

Mr. Meares was refused leave to vote.

Mr. Gentry changed his vote.

Mr. Norwood then offered the following amendment:

Strike out the words "county court," wherever they occur in the bill; and it was adopted.

Mr. Fleming offered the following amendment to the pending amendment:

"If of the age of eighteen years;" and it was not adopted.

Mr. Pritchard offered the following:

Provided, That the provisions of this act shall not prohibit the owner of a favorite slave to free him or her for meritorious services; and it was not adopted.

The question was then put upon the main amendment of Mr. Fleming, and decided in the affirmative,—there being counted yeas 45, nays 32.

The question then recurred upon the passage of the bill the second reading, and was put, and the yeas and nays being ordered,

On motion of Mr. Windley,

The following voted in the affirmative, viz:

Messrs. Baird, Benbury, Bridgers, Bryan, of C., Burke, Chambers, Dancy, Dickson, Dockery, Drake, Faison, Ferebee, Fleming, Fries, Hargrove, Harrington, Jones, of C., Jones, of O., Kirby, Leak, Lyon, Masten, Meares, Moore, of M., Newby, Outlaw, Pritchard, Purdie, Reeves, Roney, Sanders, Speight, Stanford, Ward and Watters.

And the following in the negative, viz:

Messrs. Barbee, Baxter, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Cox, of P., Dargan, Dula, Eller, Fagg, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Hill, of S., Higgins, Holdscaw, Hutchins,

Leffers, Lewis, Love, McCotter, Martin, Moore, of C., Morehead, Morgan, Norman, Norwood, Ransom, Reagan, Ripley, Scales, Shaw, Sherrill, Sinonton, Simpson, Smith, Sparrow, Speer, Stephens, Taylor, Thornburg, Waddill, Wallace, Williams, Windley and Woodfin.

But before the result could be announced, the hour for the adjournment had arrived,

And the House adjourned.

SATURDAY, FEBRUARY 5, 1859.

Mr. Speer presented the recommendation of certain persons as justices of the peace for the county of Yadkin.

Mr. Simpson, a similar recommendation for Rockingham county.

Mr. Fagg, a similar recommendation for Madison county.

Mr. Dancy, (at the request of Mr. Hill,) a similar recommendation for Halifax county.

Ordered, That they be sent to the Senate.

Mr. Fagg presented the following resolution, which was adopted :

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee of two on the part of the Senate, and three on the part of the House, to examine the graves of deceased members of the General Assembly, in this city, and report whether said graves need repair.

Reports were submitted and received from standing committees, as follows :

By Mr. Norwood, from the committee on the judiciary, H. R. 106, in favor of certain entries of Cherokee lands.

By Mr. Henry, from the committee on claims, H. R. 273, in favor of Calvin Evans. Also,

S. R. 543, in favor of the common schools of Randolph.

By Mr. Scales, from the committee on claims, H. R. 551, in favor of Solomon M. Ray.

By Mr. Moore, of C., from the committee on corporations, H. 562, to amend the charter of Elizabethtown.

By Mr. Scales, from the committee on claims, S. R. 563, in favor of Jackson Stuart, recommending all the same do pass.

Mr. Masten, from the joint select committee on enrolled bills, reported that they had examined the following, and found them truly enrolled and ready for ratification, viz:

H. 156, to incorporate Cherokee County Turnpike Company.

H. 102, to abolish jury trials in county courts of Cherokee and Jackson.

H. 124, to authorize the construction of a toll bridge across the Yadkin, near Jonesville.

S. 480, to aid in the construction and equipment of the Western Railroad.

S. 503, to authorize county courts of Caldwell to sell unsold lots in Lenoir.

S. 462, to authorize the Roanoke Navigation Company to discontinue the use of their canal around the Grand Falls of the Roanoke, and to make sale of their real estate, water-power and other privileges, between Gaston and Weldon.

S. 488, for the better regulation of pilotage on the Cape Fear river and its bars.

S. 475, to prohibit the sale of spirituous liquors within two miles of Richlands Academy.

H. 17, to open the Pee Dee and Yadkin rivers for the passage of fish.

S. R. 495, to pay the legal representatives of Bart. F. Witty, dec'd, the amount due him as teacher for school district, No. 19, Rockingham county.

The House resumed the unfinished business of the previous session, the pending question being upon the passage of

H. 337, Mr. Fleming's bill to prevent the emancipation of slaves by will.

The clerk read his report of the vote taken at the adjournment, when Messrs. Hutchins, Faison and Fagg asked for and obtained leave to vote.

Mr. Scales moved that the roll be again read; and it was so ordered, when Mr. Stanford obtained leave to change his vote.

The result being then announced, viz: yeas 35, nays 58,

The Speaker declared that the pending question was decided in the negative. So this bill did not pass the second reading.

Bills, etc., of the following titles, being introduced, passed the first reading, and other proceedings were had, as follows:

By Mr. Drake: resolution (586) in favor of W. W. King.

By Mr. Bridgers: resolution (587) in favor of Supreme Court Reporter.

By Mr. Craven: bill (588) to charter Uwharrie Lodge, 58, I. O. O. F.

By Mr. Baird: bill (589) concerning Madison county. Propositions and grievances.

By Mr. Hill, of S.: bill (590) to aid the circulation of silver coin.

By Mr. Foy: resolution (591) concerning White Oak Pocosin.

Pursuant to the rule adopted, on motion of Mr. Norwood, the House proceeded to the consideration of bills and resolutions of a private character upon and according to the calendar, when the following bills, etc., of a private and local character, being read the second and third times, respectively passed the second and third readings without objection, and were ordered to be engrossed and enrolled, or were rejected or referred as follows:

H. 338, Mr. Moore's bill to extend the limits of Williamston.

H. 339, Mr. Leffers' bill to authorize St. Paul's Church at Beaufort to buy land for a cemetery.

H. 341, Mr. Baird's bill to charter Bascom college.

H. R. 343, Mr. Walker's resolution in favor of Joshua R. Hall.

H. R. 344, in favor of Jas. N. Long.

H. 348, to prevent the felling of timber in the south fork of Catawba river.

H. R. 353, in favor of Henry J. Brown.

H. 355, Mr. Bryan's bill to charter Howard Relief Fire Engine Company.

H. 362, to increase the authority of the commissioners of Tawboro'.

H. 364, to increase the powers of the commissioners of Beaufort.

H. R. 365, in favor of Martha Spears.

H. R. 367, in favor of Esley Staley.

H. R. 368, in favor of Alex. Watson.

Ordered, That they be engrossed and sent to the Senate.

H. 371, Mr. Tomlinson's bill to charter Clayton, in Johnston. Laid on the table.

H. R. 382, Mr. Walker's resolution in favor of Jacob B. Evans. Re-committed to the committee on Cherokee lands.

H. 384, to charter the Wilmington Water Works.

H. 385, Mr. Ripley's bill to amend the charter of the town of Henderson, passed the second and third readings, and then,

On motion of Mr. Fagg,

(The vote being reconsidered,) was indefinitely postponed.

H. R. 387, Mr. Thompson's resolution in favor of Margaret Gardner.

The question being "shall this resolution pass the second reading?" was put, and tellers being demanded by Mr. Outlaw, Messrs. Benbury and Moore, of Chatham, were appointed, and reported yeas 43, nays 1, and no quorum voting.

Mr. Outlaw moved the yeas and nays be ordered, and the same being ordered, it was

Decided in the affirmative—Yeas, 63

Nays, 17

The following voted in the affirmative, viz :

Messrs. Baird, Barbee, Benbury, Blount, Brummell, Bryson, Burns, Byrd, Caldwell, of B., Costner, Craven, Dancy, Dargan, Dickson, Dockery, Drake, Eller, Fagg, Faison, Faribault, Ferebee, Foy, Gardener, Green, of C., Hargrove, Harrington, Hill, of S., Higgins, Holdscaw, Hutchins, Jones of C., Kirby, Leak, Love, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Mordecai, Outlaw, Pritchard, Purdie, Reeves, Ripley, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Taylor, Thompson,

Thornburg, Waddill, Watters, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Burke, Chambers, Fleming, Gaither, of D., Gaither, of I., Gatling, Green, of F., Jones, of O., Lewis, Morgan, Norwood, Roney, Sanders, Speer, Tomlinson, Wallace and Ward.

Mr. Gaither, of Iredell, voted after the roll was called.

H. R. 389, in favor of Alex. Clark.

H. R. 390, in favor of Alex. Justice.

H. R. 391, in favor of Calvin W. Wooley.

H. 392, concerning justices of the peace. Did not pass second reading.

H. 400, to charter Maysville Academy, in Duplin.

H. 407, to charter Mars' Hill College.

H. 409, to pay jurors in Jackson.

H. 413, to charter Knap of Reeds Classical School.

H. 414, to extend the limits of Taylorsville.

H. R. 417, in favor of Letty M. Bray.

H. 418, to charter Greene Monument Association.

H. R. 423, in favor of W. A. Walton.

H. 428, concerning Haw river in Alamance county.

H. 429, upon the same subject. Did not pass second reading.

H. 432, to charter the town of Leicester.

H. 433, to charter the Farmers' & Mechanics' Institute.

H. 438, to charter Wilson Female Seminary.

H. 439, concerning 107th regiment North-Carolina State militia.

H. 445, for the regulation of seamen in the port of Wilmington.

H. 446, to extend the time for delivering tax lists in Cleveland. Rejected.

H. 449, to charter the town of Gold Hill.

S. 451, engrossed bill to prevent the sale of spirituous liquors near Davidson college. Passed the second and third readings, but being afterwards reconsidered,

On Motion of Mr. Morehead,

The same was amended so as to insert the words "the vil-

lage of Chapel Hill," after the word "college;" and, so amended, was ordered to be enrolled.

S. 452, to charter Carthage Lodge A. Y. F. Masons.

S. 453, to charter Pitt County Female Institute.

S. 454, to charter Pollokville Lodge, 175, F. & A. Masons.

S. 455, to charter Jones County Male and Female Seminary.

S. 456, to charter the Christian Gold Mining Company.

Ordered, To be enrolled.

H. 458, to repeal an act concerning jury trials in Robeson.

H. R. 459, in favor of John Wilson.

H. R. 460, in favor of Paul Froneberger.

H. R. 464, in favor of Shepherd D. Mercer.

H. 466, to charter Carolina City Steamboat Company.

H. 467, to appoint a tax collector for Robeson county.

H. 469, to authorize agricultural associations.

H. 470, to amend the law concerning public roads in Wilkes and Caldwell.

H. 472, to charter Reynoldson Male Institute.

H. 473, to encourage the Fayetteville Independent Light Infantry.

Ordered, That they be engrossed and sent to the Senate.

S. 476, concerning fences in Person county.

S. 477, to extend the corporate limits of New-Berne, the same being first amended, on motion of Mr. Jones, of C. as follows :

Provided, nevertheless, That unless a majority of the freeholders and citizens of the town of New-Berne shall, at the next annual election of mayor and commissioners, accept the same as part of their charter, this act shall be null and void.

S. R. 479, concerning the Guthrie flag.

Ordered, That they be enrolled.

H. R. 484, Mr. Taylor's resolution in favor of Drury King, did not pass the second reading.

Upon motion of Mr. Simpson, however, the same was reconsidered, and passed the second and third readings, and ordered to be engrossed.

H. 485, to charter Old Topsail Navigation Company.

Ordered, To be engrossed.

S. 491, to charter Transmontane College, in Madison.

H. R. 493, in favor of Wm. Green.

S. 496, concerning the town of Wilmington. Passed second reading only.

S. 497, to charter McLendon's Creek Navigation Company.

S. R. 498, in favor of Wm. J. W. Crowder.

S. R. 500, in favor of C. N. White.

S. 501, to charter the Phoenix Mining Company.

S. 504, to alter the line between Ashe and Surry.

S. 505, to charter the New-Berne Gaslight Company.

S. 506, to charter the Dawson Steamboat Company.

S. 508, to charter the Raleigh Gaslight Company.

S. 509, to amend the charter of Normal College.

S. 510, to charter Pleasant Grove Camp Ground.

S. 511, to charter New-Berne and Baltimore Steamship Company.

H. 512, to charter Washington Gaslight Company.

H. 515, Mr. Holdsclaw's bill to establish two roads in McDowell and Yancy was recommitted to the committee on internal improvements.

H. 519, to amend the charter of Charlotte.

H. R. 527, in favor of Eli McKee, dec'd, passed 2d reading.

H. 529, Mr. Bryan's bill to charter Calvin Creek Academy. The question being "shall this bill pass the second reading?"

Mr. Ward moved to amend by striking out "seven" miles, and inserting "three" miles; and it was adopted.

Mr. Morehead moved to add, after the words "Calvin's Creek," the words "the University at Chapell Hill;" and it was adopted.

The bill, so amended, passed the second reading; and then the question being "shall this bill pass the third reading?"

Mr. Meares moved to strike out "three" miles and insert "seven" miles.

A division being demanded, the question was first put upon the motion to strike out, and

Decided in the affirmative—Yeas, 40

Nays, 35

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Brummell, Bryan, of N. H., Burns, Byrd, Caldwell, of B., Dickson, Dula, Eller, Fagg, Faison, Ferebee, Gardener, Green, of C., Hargrove, Higgins, Kirby, Leffers, Lyon, McKay, Meares, Moore, of M., Newby, Norman, Pritchard, Purdie, Reeves, Ripley, Shaw, Simpson, Smallwood, Speer, Stanford, Thornburg, Walker, Walser, Watson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Bridgers, Burke, Caldwell, of G., Chambers, Costner, Cox, of P., Craven, Dancy, Dockery, Drake, Faribault, Gaither, of D., Gaither, of L., Harrington, Hill, of S., Hutchins, Jones, of O., Love, Masten, Morehead, Morgan, Outlaw, Reagan, Roney, Sanders, Sherrill, Speight, Stephens, Tomlinson, Thompson, Wallace, Ward, Wilson and Windley.

Mr. Speer voted after the roll was called.

So the House having agreed to strike out, and the question being upon the amendment of Mr. Meares,

Mr. Roney moved the same be laid upon the table, and it was not adopted.

The question was then put, and

Decided in the affirmative—Yeas, 38

Nays, 36

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Bryan, of N. H., Burns, Byrd, Caldwell, of B., Costner, Craven, Dickson, Dula, Eller, Fagg, Faison, Ferebee, Gardener, Green, of C., Holdscaw, Kerr, Kirby, Leffers, McKay, Meares, Moore, of M., Newby, Pritchard, Purdie, Reagan, Reeves, Ripley, Shaw, Simpson, Smallwood, Stanford, Thornburg, Walker, Watson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Burke, Caldwell, of G., Cox, of P., Dancy, Dockery, Drake, Faribault, Gaither, of D., Gaither, of L., Gentry, Hargrove, Harrington, Hill, of S., Higgins, Hutchins,

Jones, of O., Love, Lyon, Masten, Morehead, Morgan, Norman, Outlaw, Roney, Sanders, Scales, Sherrill, Speer, Speight, Stephens, Tomlinson, Wallace, Ward, Wilson and Windley.

Mr. Gentry voted after the roll was called.

And the question recurring, Mr. Morehead moved to strike out the words "and the University at Chapel Hill;" and it was adopted, and, so amended, the bill passed the third reading, and was ordered to be engrossed and sent to the Senate.

H. 532, to appoint a special magistrate for Salisbury.

H. R. 533, in favor of Letty M. Bray. Did not pass second reading.

S. 537, to charter Jamestown, in Guilford.

H. R. 542, in favor of Samuel Pearce. Rejected.

S. R. 544, in favor of Dabney Cosby.

S. R. 545, in favor of Henry Von Glahn and H. Baker.

S. R. 546, in favor of W. Watson.

S. R. 548, in favor of Eben Combs. Rejected.

H. 556, to charter Western North-Carolina Agricultural Society.

Ordered, To be engrossed and sent to the Senate.

On motion of Mr. Pritchard,

Ordered, That the use of the hall be tendered to the Hon. E. W. Cullen, recently of the U. S. Navy, this evening, at 7½ o'clock, P. M., for a lecture upon Cuba and Central America.

And then the House adjourned.

MONDAY, FEBRUARY 7, 1859.

The Speaker announced the following committee on enrolled bills, viz: Messrs. Moore, of C., Ferebee, Hill, of H., Leak and Scales.

Mr. Farrow had leave to withdraw H. 275, to charter the Lake Landing Company.

Mr. Jones presented a recommendation of certain persons for justices in Craven county.

Mr. Dancy, a similar recommendation for Edgecombe.

A message was received from the Senate, informing the

House of the appointment of Messrs. McDonald, Person and Pitchford to the Senate branch of the committee on enrolled bills; and proposing to raise an additional committee upon enrolled bills, in which the House having concurred, the Speaker appointed Messrs. Dancy, Benbury, McKay, Sparrow, and Jones, of O., to the House branch, and the Senate were informed thereof.

The Senate transmitted certain engrossed bills, which were read, and entered upon the calendar.

Bills, etc., of the following titles, were introduced, read, and passed the first reading, as follows, viz:

By Mr. Jones, of Orange: bill (592) concerning public arms in New-Berne.

By Mr. McKay: bill (593) to charter La Fayette Light Infantry. Corporations.

By Mr. Badham: bill (594) for the protection of buoys.

By Mr. Blount: bill (595) to revive the charter of Lumberton.

And the following engrossed bills from the Senate, viz:

S. 596, to charter the Bank of Lexington.

S. 597, concerning Notaries Public.

S. 598, to amend the charter of Elizabeth City.

S. 599, for the better regulation of Beaufort.

By Mr. Reeves: bill (600) to repeal an act of this session concerning Surry and Ashe. Withdrawn.

By Mr. Sparrow: bill (601) concerning the publication of the Laws.

By Mr. Masten: bill (602) to charter the Yadkin Batteau Company.

By Mr. Fries: resolution (603) concerning the Atlantic and North-Carolina Railroad Company.

And the rules being suspended, this resolution passed the second and third readings.

By Mr. Dockery: bill (604) to prevent the felling of timber in Hitchcock creek. Propositions and grievances.

By Mr. Faribault: bill (605) concerning the courts of pleas and quarter sessions for the county of Wake.

The Senate proposed, by message, the following addition to the joint rules :

“No persons, except members and officers of the two Houses, are admissible to the rooms occupied by the Engrossing Clerks : and the officers of the two Houses will see that this order is obeyed.”

And the House concurred in the same.

The Senate further informed the House of the appointment of Messrs. Miller, Reinhardt and Speight to the additional committee on enrolled bills, and of their concurrence in the proposition to raise a joint select committee to examine the graves of deceased members, and appointing thereto Messrs. Bledsoe and Lankford.

Whereupon the Speaker appointed Messrs. Fagg, Waddill and Simpson, on the part of the House.

The House resumed the calendar, when

Bills, of the titles following, being read the second time, passed the second reading, or were otherwise disposed of, as follows :

H. 99, Mr. Baird's bill to protect the helpless against money shavers, was,

On motion of Mr. Stanford,

Indefinitely postponed.

H. R. 273, resolution of Mr. Cox, of Pitt, in favor of Calvin Evans, passed the second and third readings.

H. 275, Mr. Farrow's bill to charter Lake Landing Company, was withdrawn by him, upon leave obtained from the House.

H. 340, Mr. Foy's bill concerning the registration of deeds for swamp lands. Did not pass second reading.

At 12 o'clock, the Speaker announced

H. 394, Mr. Caldwell's bill to amend the charter of the Western North-Carolina Railroad Company, and, on his motion, the same was postponed until Thursday next, at 11 o'clock.

H. 346, Mr. Watters' bill for the better protection of debtors, did not pass the second reading.

H. 347, Mr. Sparrow's bill to provide for limited partner-

ships, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 356, Mr. Morgan's bill concerning public mills, the same being first amended, on motion of Mr. Newby, by striking out the county of Perquimans, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 357, Mr. Caldwell's bill for the benefit of Minors, the title of the same being first amended, as follows: "An act to enable any person to convey property in trust, by deed or will"—passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 360, Mr. Dula's bill to alter the line between Burke and Caldwell counties passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 361, Mr. Faison's bill to alter the Revised Code, title Patrol, did not pass the second reading.

H. 363, Mr. Norwood's bill to punish Usury in certain cases (the substitute being read) was,

On motion of Mr. Norwood,

Made the special order for to-morrow night, at 7 o'clock.

H. R. 369, Mr. Benbury's resolutions concerning the Slave trade being read the second time,

Mr. Dortch moved the same be laid upon the table; and the question thereon was put, and

Decided in the affirmative—Yeas, 62

Nays, 24

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Bridgers, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Costner, Cox, of P., Dancy, Dickson, Dortch, Drake, Dula, Faison, Foy, Gardener, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Morehead, Norman, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson,

Smallwood, Speer, Speight, Stanford, Stephens, Tomlinson, Wallace, Ward, Watters, Whitfield and Wilson.

And the following in the negative, viz :

Messrs. Benbury, Brummell, Caldwell, of B., Caldwell, of G., Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Leak, Morgan, Outlaw, Purdie, Sanders, Sparrow, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

H. 372, Mr. Stephens' bill concerning Land Marks (the substitute proposed by the judiciary committee being first adopted) passed the second and third readings, and was ordered to be engrossed and sent to the Senate. Also,

H. 374, Mr. Hill's bill concerning Counterfeit Bank Notes.

H. 376, Mr. Pritchard's bill to enforce the collection of debts from free negroes. The question being "shall this bill pass the second reading?"

Mr. Outlaw moved the same be indefinitely postponed ; and this question was put and

Decided in the negative—Yeas, 20

Nays, 57

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Caldwell, of G., Gentry, Henry, Hill, of S., Jones, of C., Leak, Love, McKay, Moore, of C., Norman, Norwood, Outlaw, Scales, Sherrill, Simpson, Sparrow, Stephens, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Bridgers, Bryan, of N. H., Bryson, Burke, Byrd, Caldwell, of B., Costner, Cox, of P., Dancy, Dockery, Dortch, Drake, Eller, Fagg, Faison, Farrow, Ferebee, Foy, Gaither, of I., Gaither, of D., Green, of C., Green, of F., Hall, of R., Hargrove, Harrington, Hester, Higgins, Hutchins, Leffers, Lewis, Lyon, Martin, Masten, Moore, of N. H., Mordecai, Newby, Pritchard, Purdie, Reagan, Reeves, Ripley, Sanders, Shaw, Smallwood, Speer, Speight, Stanford, Taylor, Tomlinson, Thornburg, Wallace, Walser, Ward, Watters and Whitfield.

After the roll-call, Messrs. Bridgers and Caldwell, of G., changed their votes.

So the House refused to postpone the question indefinitely, and it recurred, when

Mr. Caldwell, of B., offered the following amendment :

Insert after the words "white person," in section 1, line 5, the words "or free person of color;" and it was adopted.

Mr. Norwood offered the following amendment :

Strike out "1st April, 1859," and insert "1st April, 1860 ;" and it was adopted.

Mr. Scales moved the bill be laid upon the table, and the question thereon was put and

Decided in the negative—Yeas, 33

Nays, 59

On motion of Mr. Meares,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Blount, Bryson, Burns, Byrd, Caldwell, of G., Dula, Eller, Gentry, Hall, of R., Hill, of S., Holdscraw, Leak, Love, McKay, Moore, of C., Morehead, Morgan, Norman, Norwood, Outlaw, Scales, Sherrill, Simpson, Sparrow, Stephens, Thornburg, Walker, Ward, Watson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Benbury, Bryan, of N. H., Burke, Chambers, Costner, Cox, of P., Dancy, Dickson, Dockery, Drake, Fagg, Faison, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of H., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Lewis, Lyon, Martin, Masten, Meares, Moore, of N. H., Mordecai, Newby, Pritchard, Purdie, Reeves, Roney, Sanders, Shaw, Smallwood, Speer, Speight, Stanford, Taylor, Tomlinson, Wallace, Walser, Watters, Whitfield and Wilson.

The House having refused to lay the bill upon the table, the question recurred, and was put and

Decided in the affirmative—Yeas, 55

Nays, 33

On motion of Mr. Cox, of P.,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Burke, Caldwell, of B., Chambers, Cox, of P., Dancy, Dickson, Drake, Dula, Fagg, Faison, Faribault, Ferebee, Foy, Gaither, of D., Gaither, of I., Gardener, Green, of C., Green, of F., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Lewis, Lyon, Martin, Masten, Meares, Mordecai, Newby, Pritchard, Purdie, Reeves, Roney, Sanders, Shaw, Speer, Smallwood, Speight, Stanford, Taylor, Tomlinson, Wallace, Walser, Ward, Watters, Whitfield and Wilson.

And the following in the negative, viz :

Messrs. Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of G., Costner, Craven, Eller, Farrow, Hall, of R., Henry, Holdscaw, Leak, Leffers, Love, Moore, of C., Moore, of N. H., Morehead, Morgan, Norman, Norwood, Outlaw, Scales, Sherrill, Simpson, Sparrow, Stephens, Thornburg, Walker, Watson, Williams, Windley and Woodfin.

Messrs. Bryan, of N. H., and McKay voted after the roll was called.

On motion of Mr. Meares, Mr. Moore, of N. H., was again called, when he voted.

Mr. Hill, of Halifax, from the committee on enrolled bills, reported that they had examined and compared S. 538, "an act to amend the charter of the Wilmington, Charlotte and Rutherford Railroad Company," and found the same correct and truly enrolled.

The House resumed the calendar, when the following bills, etc, on the second reading, being read, passed the second and third readings, and were ordered to be engrossed or enrolled, as follows :

H. 378, Mr. Reeves' bill to declare the Yadkin river a navigable stream being read the second time,

Mr. McKay moved the same be referred to the committee on the judiciary, but withdrew the motion.

Mr. Caldwell, of Burke, offered the following amendment :

Strike out "the town of Wilkesboro," and insert "to the South-Carolina line;" and it was not adopted.

Mr. Ferebee offered the following amendment:

Provided, That nothing herein contained shall be so construed as to affect existing rights; and it was not adopted.

The bill then passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 379, Mr. Walser's bill to amend the law of divorce was,

On motion of Mr. Speer,
laid on the table.

H. 386, Mr. Gentry's bill to charter Peach Blossom Mining Company (the amendments being adopted) passed the second reading, and then,

On motion of Mr. Gentry,
was laid upon the table.

H. 395, Mr. Sparrow's bill to charter the Washington and Leaksville Railroad Company passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 397, Mr. Hargrove's bill concerning deeds of *femes covert* did not pass the second reading.

H. 398, Mr. Speer's bill for opening a public road from Salisbury to New river passed second and third readings, and was ordered to be engrossed and sent to the Senate.

A message was received from the Senate, transmitting the recommendation of certain justices of the peace for Carteret county, which was concurred in, and ordered to be sent to the Governor. Also, returning the House recommendations for Nash, with an amendment, viz:

Strike out the name of Andrew J. Cooke, and the question being "shall the House concur in the amendment of the Senate?" was put and decided in the negative—there being counted yeas 19, nays 51.

The House resumed the calendar.

S. 569, engrossed bill to amend the charter of Trenton in Jones county. The question being "shall this bill pass the second reading?"

Mr. Fagg offered a substitute, and the question being there-

on it was adopted, as follows: Amend by striking out all after the enacting clause and inserting,

SEC. 1. "The town of Trenton, as heretofore defined and incorporated, is now, and shall continue to be, entitled to the benefit of all the provisions contained in chapter 111, Revised Code, entitled "Towns."

SEC. 2. *Be it further enacted*, That the acting commissioners of the town of Trenton, in office on the 1st day of January, 1859, shall have power, on failure of the court of pleas and quarter sessions to provide for the election of commissioners, to order an election in accordance with the provisions of chapter 111, Revised Code.

SEC. 3. *Be it further enacted*, That all free white men of the age of 21, who may own any real estate within the corporate limits of the said town of Trenton, who may not reside within such limits, shall have an equal right with residents in voting in the election for commissioners.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

And, so amended, the bill passed the second reading. And the question being "shall the bill pass the third reading?" it was decided in the affirmative.

On motion of Mr. Stanford,

The vote was, however, reconsidered; and the question recurring, the substitute of Mr. Fagg was rejected.

Mr. Fagg then offered the following amendment:

Amend the last section, so that it shall read:

SEC. 4. *Be it further enacted*, That this act shall not take effect nor be in force until the present acting commissioners of the town of Trenton shall accept the same.

And it was not adopted. The bill then passed the third reading without amendment, and was ordered to be enrolled.

H. 401, the bill reported by Mr. Fries, from the committee on finance, to regulate the rates of interest, and to repeal Revised Code, chapter 114, being read, and the question put,

Mr. Caldwell, of Guilford, moved the same be postponed indefinitely, and the yeas and nays being ordered thereon, the hour for the adjournment arrived,

And the House adjourned.

NIGHT SESSION—MONDAY, FEBRUARY 7, 1859.

Reports were submitted and received from standing committees, as follows, viz:

By Mr. Walker, from the committee on Cherokee lands: The resolution (382) in favor of Jacob B. Evans, with the following amendment:

Add, after the word "Evans," "and also E. McNutt twenty dollars;" and, so amended, recommended the same do pass.

By Mr. Kerr, from the committee on the judiciary: Resolution (405) in favor of Alex. Weisman, recommending that it do not pass.

Bills, etc., of the following titles, remaining upon the private calendar, were read and passed the second and third readings, or were rejected, as follows:

S. R. 551, in favor of Solomon M. Ray.

H. 559, Mr. Wallace's bill to amend the charter of the town of Charlotte.

S. 565, to extend the limits of the town of Swansboro'.

S. R. 543, in favor of common schools in Randolph.

S. 552, to charter the Montgomery Mining Company.

S. 563, to repeal an act concerning jury trials in Polk county.

S. R. 554, in favor of J. J. James.

H. 558, Mr. Hutchins' bill to charter the N. C. Coal and Iron Oil Company, (the substitute being first adopted.)

H. 559, Mr. Wallace's bill to amend the charter of Charlotte.

H. R. 561, Mr. Meares' resolution for lighting the Capitol with gas, did not pass the second reading.

H. 562, Mr. Purdie's bill to amend the charter of the town of Elizabeth Town, in Bladen.

S. R. 563, in favor of Jackson Stewart.

S. 566, for the relief of the sureties of Jno. D. Abernathy, deceased.

H. 574, Mr. Gaither's resolution in favor of Henry Powell's executors.

S. R. 585, in favor of Elisha Holland.

H. 595, Mr. Blount's bill to revive the charter of Lumberton.

S. 598, to amend the charter of Elizabeth City.

S. 599, for the better regulation of Beaufort.

After which, the House resumed the unfinished business of the morning session, being

H. 401, Mr. Fries' bill to regulate the rates of interest; and (the order for the yeas and nays being rescinded,) it was indefinitely postponed.

H. 461, Mr. Baird's bill to amend the charter of the Greenville and French Broad Railroad Company, being a special order, it was,

On motion of Mr. Fagg,

Postponed until after the consideration of

H. 394, the bill to amend the charter of the Western North-Carolina Railroad Company.

Mr. Fagg moved that the vote, by which the House had agreed to consider H. 394, the bill just recited, a special order for Thursday next, at 11 o'clock, be reconsidered; and it was so ordered.

On motion of Mr. Fagg,

The bill was then made a special order for to-morrow night, at 8 o'clock.

H. 408, Mr. Byrd's bill to amend the charter of the Indian Grave Gap Turnpike Company, did not pass the second reading.

On motion of Mr. Thompson,

The vote by which S. R. 548, in favor of Ebenezer Combs, had been rejected, was reconsidered.

And then the question recurring, the same passed the second and third readings, and was ordered to be enrolled.

The House resumed the calendar:

H. 411, Mr. Shaw's bill to charter the Little River and Cane Creek Navigation Company, passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 412, Mr. Dula's bill to charter the Relief Bank of North-Carolina, passed the second reading.

H. 415, Mr. Shaw's bill to amend the charter of the Cheraw and Coalfields Railroad Company.

Mr. Meares moved the bill be amended by striking out all after the enacting clause, and inserting as follows: "That the act passed at the session of the General Assembly, held in the years 1856-'7, incorporating the Cheraw and Coalfields Road, be, and the same is hereby, declared null and void; and this act shall go into effect from and after its passage."

And the question thereon was put, and

Decided in the negative—Yeas, 44

Nays, 53

On motion of Mr. Shaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Blount, Bridgers, Bryan, of N. H., Burns, Burke, Cox, of J., Cox, of P., Daney, Dickson, Dortch, Faison, Farrow, Ferebee, Foy, Gaither, of D., Gardener, Green, of C., Hill, of H., Jones, of C., Jones, of O., Kirby, Leffers, McCotter, McKay, Meares, Moore, of N. H., Morgan, Newby, Outlaw, Pritchard, Purdie, Sanders, Sparrow, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Wallace, Ward, Watters and Watson.

And the following in the negative, viz:

Messrs. Baird, Barbee, Baxter, Benbury, Brummell, Bryan, of C., Bryson, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dockery, Drake, Dula, Eller, Fries, Gaither, of I., Gentry, Green, of F., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Hutchins, Kerr, Leak, Lyon, Martin, Masten, Moore, of C., Morehead, Norwood, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Speer, Waddill, Walker, Walser, Wilson, Williams, Windley and Woodfin.

Messrs. Faribault, Taylor, Bayson, Moore, of C., and Kerr, voted after the roll was called.

Messrs. Cox, of J., Watson and McCotter changed their votes.

And the question recurring, Mr. Dortch moved the same be indefinitely postponed; and the question thereon was put, and

Decided in the affirmative—Yeas, 67
Nays, 31

On motion of Mr. Shaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Baxter, Blount, Benbury, Bridgers, Bryan, of C., Bryan, of N. H., Burns, Burke, Byrd, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dortch, Dula, Drake, Faison, Farrow, Ferebee, Foy, Fries, Gardener, Hall, of R., Hill, of H. Higgins, Jones, of C., Jones, of O., Kirby, Leak, Leffers, Lewis, McCotter, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Roney, Sanders, Sherrill, Sparrow, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Wallace, Walser, Ward, Watters, Watson, Wilson and Windley.

And the following in the negative, viz :

Messrs. Baird, Caldwell, of B., Caldwell, of G., Chambers, Dockery, Eller, Fagg, Faribault, Gaither, of D., Gaither, of I., Gentry, Green, of F., Hargrove, Harrington, Hill, of S., Hutchins, Kerr, Lyon, Martin, Reeves, Ripley, Scales, Shaw, Simonton, Simpson, Speer, Taylor, Waddill, Walker, Williams and Woodfin.

Messrs. Dula and Norman voted after the roll was called.

Mr. Bryan, of C., changed his vote.

H. 382, Mr. Walker's resolution in favor of Jacob B. Evans (the same being first amended, as proposed by the committee on Cherokee lands,) passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

And then the House, it being 10 o'clock, P. M., adjourned.

TUESDAY, FEBRUARY 8, 1859.

Mr. Walser, from the committee on propositions and grievances, reported the memorial of Lewis Brown, of Chatham county, concerning the proclamation money due him from

the State, and asking to be discharged from the further consideration of the same.

Reports were submitted and received from standing committees as follows, viz :

By Mr. Scales, from the committee on claims, S. R. 549, in favor of Geo. R. Sledge, requesting to be discharged from the further consideration of the same.

Mr. Moore, of C., presented the memorial of Robt. Faucett and others, opposed to the prohibition of sales of liquor in the town of Haywood.

Mr. Dortch presented the recommendation of certain persons as justices of the peace for the county of Wayne.

Mr. Speight, the recommendation of certain others for the county of Greene.

Ordered, That they be sent to the Senate.

Mr. Fries presented a report from the committee to investigate the condition of the Atlantic and North-Carolina Railroad Company, in writing, accompanied by a series of resolutions, (603) which were entered upon the calendar.

Mr. Dockery presented the memorial of Jas. B. Morgan, and others, praying certain amendments to the law relative to licenses to retail spirits. Referred to the committee on the judiciary.

Mr. Norwood presented the following resolutions, viz :

Resolved, That the report of the committee on propositions and grievances upon the memorial of Fanny Thompson and Hannah Thompson be not concurred in, and that said committee be instructed to report a bill for the emancipation of Rosannah and Rosetta, and that the memorial be again referred to said committee for that purpose.

Resolved, That the report of the committee on propositions and grievances upon the memorial of Fanny Thompson be not concurred in, and that said committee be instructed to report a bill for the emancipation of Dennis, according to the prayer of the memorial, and that said memorial be again referred to said committee for that purpose.

And they were not adopted.

Mr. Norwood then asked and obtained leave to withdraw these memorials.

Bills, etc., of the following titles, were introduced, read and passed the first reading, viz :

By Mr. Jones, of Orange: bill (606) to charter Kittrell Mineral Springs Company.

By Mr. Taylor: bill (607) concerning the town of Haywood.

By Mr. Fries: bill (608) in favor of the Public Treasurer.

By Mr. Fries: resolution (609) concerning the Public Treasurer and the Revenue act.

It being 11 o'clock, the Speaker called up the special order, viz :

H. 486, Mr. Badham's bill to authorize a further subscription to the Albemarle and Chesapeake Canal Company.

The question being "shall this bill pass the second reading?"

Mr. Badham offered the following substitute therefor, viz :

A BILL TO AUTHORIZE A SUBSCRIPTION TO THE CAPITAL STOCK OF THE ALBEMARLE AND CHESAPEAKE CANAL COMPANY.—SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That, in addition to the amount already authorized to be subscribed, the board of internal improvements, for and on behalf of the State, shall subscribe to the capital stock of the Albemarle and Chesapeake Canal Company the sum of \$150,000, payable in the 6 per cent. coupon bonds of this State, in the usual form, as follows: Whenever satisfactory evidence is produced to the Governor and board of internal improvements that there is a clear navigation for vessels drawing six and a half feet water through said canal, and to the waters contiguous thereto, continuously from the waters of Chesapeake bay to the waters of Albemarle sound, then the public treasurer shall pay to said company \$50,000 of said subscription; and whenever evidence is in like manner produced that there is a clear navigation for vessels drawing seven and a half feet water through said canal and waters as aforesaid,

then the public treasurer shall pay the balance of said subscription.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

And the question being thereon, it was adopted; and the question recurring was put, and

Decided in the negative—Yeas, 33

Nays, 67

On motion of Mr. Masten,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Baxter, Benbury, Bryan, of N. H., Bryson, Caldwell, of B., Dancy, Dickson, Drake, Fari-bault, Ferebee, Foy, Gardener, Gatling, Hall, of R., Hall, of W., Henry, Higgins, Love, McKay, Meares, Moore, of N. H., Newby, Norman, Norwood, Outlaw, Ransom, Simpson, Smallwood, Walker, Ward, Watters and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Blount, Bridgers, Bryan, of C., Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Cox, of P., Craven, Dockery, Dortch, Dula, Eller, Fagg, Farrow, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of C., Green, of F., Hargrove, Harrington, Hester, Hill, of S., Holdscraw, Hutchins, Jones, of C., Kirby, Leak, Lewis, Lyon, McCotter, Martin, Masten, Moore, of C., Morehead, Morgan, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simonton, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Whitfield, Wilson, Williams and Windley.

Mr. Walser paired off with Mr. Long.

Messrs. Bryan, of C., and Moore, of C., changed their votes.

Messrs. Dancy, Cox, of J., Pritchard and Kirby voted after roll call.

On motion of Mr. Bryson,

The House considered S. 573, the bill to amend the charter of the Western North-Carolina Railroad Company,—the amendments proposed by the committee being first adopted,

and then the question being "shall this bill pass the second reading?" Mr. Bryson offered the following amendment:

Provided, further, That the said company shall have the right to make a survey down the French Broad river through Madison county to the line of the State of Tennessee at or near Paint Rock, to be paid for out of the appropriation made for the Western North-Carolina Railroad Company at the session of 1854-'55.

Pending the same,

The House resumed the calendar, when the following bills, etc., which had been passed over informally were read, passed the second and third readings and were ordered to be engrossed and enrolled as follows:

H. R. 59, Mr. Love's resolution for the relief of the sureties of E. H. Holland, sheriff of Haywood county.

S. R. 499, the engrossed Senate resolution concerning vol. 2 of the revised statutes.

S. 597, the engrossed bill concerning notaries public did not pass the second reading.

On motion of Mr. Caldwell, of Burke,

The House reconsidered the vote by which (S. 499) the bill concerning vol. 2 of the revised statutes had passed the second reading, and the question recurring,

Mr. Hargrove offered the following amendment:

Strike out "according to the same plan of distribution as that upon which the vol. 1 revised code is distributed."

Amendment: "one copy to each of the offices of the county court clerk, superior court clerk and register in the said State."

And it was adopted.

The bill, so amended, then passed the third reading and was *Ordered*, To be enrolled.

H. R. 405, Mr. Byrd's resolution in favor of Alexander Weisman,

Did not pass the second reading.

H. 416, Mr. Bryan's bill to establish the county of Richland,

Did not pass the second reading, but was indefinitely postponed.

H. 419, Mr. Dockery's bill to authorize and require Railroad taxes in certain cases, being read the second time,

Mr. Caldwell, of Burke, moved to amend the same as follows :

Insert in section 1, line 7, after the word "company," the words "and the Western N. C. Railroad Company."

So amended, the bill then passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. R. 404, Mr. Byrd's resolution in favor of Jane W. Dickson, being read the second time, passed the second reading; and, on the third reading,

Mr. Bryan, of Craven, offered the following amendment :

Provided, That this grant do not cover any valid grant of land heretofore entered by any other person.

And it was adopted.

The resolution, so amended, then passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

The House resumed the consideration of

S. 573, the Senate bill to amend the charter of the Western North-Carolina Railroad; and the question being upon the amendment of Mr. Bryson, it was adopted.

And then the question was put, "shall the bill, so amended, pass the second reading?" and it was

Decided in the affirmative—Yeas, 71

Nays, 23

On motion of Mr. Norman,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B., Chambers, Clapp, Costner, Cox, of J., Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Faribault, Ferebee, Foy, Fries, Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Harrington, Higgins, Hutchins, Jones, of C., Jones, of O., Leak, Leffers, Love, McKay, Meares, Moore, of C., Morehead, Mordecai, Newby, Outlaw, Pritchard, Ransom, Reeves, Ripley, Scales, Shaw, Sherrill, Simonton, Simpson, Speight, Stanford, Thompson,

Taylor, Walker, Wallace, Walser, Watters, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Blount, Cox, of P., Farrow, Gaither, of D., Gaither, of I., Hargrove, Hester, Hill, of H., Hill, of S., Lewis, Lyon, McCotter, Martin, Morgan, Purdie, Roney, Sanders, Speer, Smallwood, Stephens, Tomlinson, Thornburg and Windley.

Messrs. Green, of Chatham and Green, of Franklin, having voted after the roll was called,

And the bill being read the third time, passed the third reading.

Ordered, That it be enrolled.

H. R. 282, Mr. Love's resolution in favor of certain purchasers of Cherokee lands, was,

On motion of Mr. Speer,

Laid upon the table.

H. 420, Mr. Leak's bill to require a bond from the sheriff for collection of railroad taxes, being read, Mr. Wilson moved to amend by adding the county of "Union," and Mr. Dockery the county of "Richmond," and these amendments being first adopted the bill passed the second and third readings, and was ordered to be engrossed and sent to the Senate.

H. 425, Mr. Foy's bill to change the time for the meetings of the General Assembly, was,

On motion of Mr. Hill, of Halifax,

Indefinitely postponed.

H. 426, Mr. Sparrow's bill to charter Beaufort and Hyde Steamboat Company, passed the second and third readings, and ordered to be engrossed and sent to the Senate.

H. 427, Mr. Newby's bill to amend Revised Code, chapter 30, Descents, did not pass the second reading.

Mr. Sparrow, from the joint committee on enrolled bills, submitted the following report :

The House committee on enrolled bills ask leave to report that they have examined the following bills, to-wit :

S. 270, an act to amend the charter of the Oconalufita Turnpike Company.

S. 476, an act to authorize the construction of a common

enclosure around the lands of certain persons in the county of Person.

S. 308, an act to incorporate the Oak City Savings bank.

The committee further report that said bills correspond in all respects to the original bills as passed and engrossed.

The House resumed the calendar :

H. 430, Mr. Lyon's bill concerning county court chairmen was,

On motion of Mr. Outlaw,

Laid upon the table.

H. 431, Mr. Bryan's bill concerning free negroes being read the second time, Mr. McKay moved the same be laid upon the table, and the question was put, and

Decided in the negative—Yeas, 31

Nays, 55

On motion of Mr. Bryan, of Craven,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Burns, Burke, Byrd, Caldwell, of G., Clapp, Eller, Fagg, Gatling, Gentry, Green, of C., Hall, of R., Harrington, Holdscaw, Leak, Leffers, McKay, Masten, Morehead, Morgan, Norwood, Scales, Sherrill, Simpson, Stephens, Thornburg, Wallace, Waddill, Ward, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Chambers, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Faison, Faribault, Ferebee, Foy, Gaither, of D., Gaither, of I., Hargrove, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Lyon, McCotter, Mordecai, Norman, Outlaw, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Shaw, Smallwood, Sparrow, Speer, Speight, Stanford, Taylor, Tomlinson, Thompson, Walker, Watters and Whitfield.

Messrs. Benbury and Gaither, of Iredell, having voted after the roll was called,

Messrs. Cox, of Pitt, and Hutchins having changed their votes,

Mr. Outlaw offered the following as a substitute for the whole bill, and it was adopted as follows:

Be it enacted, That any free negro who shall go into any other county than that of his residence without his certificate of freedom from the clerk of the county court of the county in which he resides, he shall be guilty of a misdemeanor, and upon conviction shall be fined at the discretion of the court, which fine shall be at least equal to the costs; and upon a failure to pay the same, he shall be hired out, under the provisions of the existing law.

Be it further enacted, That any freeholder shall have a right to demand a view of his certificate of freedom, and upon a failure to produce the same, shall have a right to carry him before some magistrate, whose duty it shall be, upon a failure to produce said certificate, to bind him over to the next county court to answer the charge.

And this was adopted.

Mr. Speight moved to strike out the words "any freeholder," and insert "any citizen."

And it was adopted.

Mr. Byrd moved to amend by adding, "*Provided*, he is three miles from home."

And it was not adopted.

The bill, so amended, then passed the second and third readings.

Ordered, That it be engrossed and sent to the Senate.

H. 434, Mr. Stanford's bill to charter the Kenansville and Warsaw Railroad Company, the amendments proposed by the committee being first adopted, passed the second and third readings.

Ordered, To be engrossed and sent to the Senate.

H. 435, Mr. Speer's bill to amend the Constitution of the State, being read the second time, and the question put,

Mr. Dortch moved the same be laid upon the table; and this question was put, and

Decided in the affirmative—Yeas, 60

Nays, 25

On motion of Mr. Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of N. H., Burke, Costner, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dortch, Drake, Faison, Ferebee, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Lyon, McCotter, McKay, Masten, Morehead, Morgan, Norman, Norwood, Outlaw, Purdie, Reagan, Roney, Reeves, Scales, Sherrill, Simpson, Smallwood, Sparrow, Stephens, Speight, Tomlinson, Thompson, Thornburg, Wallace, Ward, Watters, Williams and Windley.

And the following in the negative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Byrd, Caldwell, of B., Chambers, Clapp, Dula, Eller, Fagg, Farrow, Gaither, of D., Gaither, of I., Gardener, Green, of C., Higgins, Martin, Ripley, Saunders, Simonton, Speer, Wilson and Woodfin.

H. 436, Mr. Pritchard's bill to charter the Stewart Gold Mining Company, passed the second and third readings.

H. 441, Mr. Gaither's bill to amend the charter of the North-Carolina and Virginia Railroad Company, passed the second and third readings.

Ordered, That they be engrossed and sent to the Senate.

H. 443, Mr. McKay's bill to charter the Fayetteville Savings Bank; being read the second time, Mr. Caldwell, of Guilford, offered the following amendment :

"And no officer of said institution shall hold any office in any other bank or banking institution in this State."

Pending the consideration of which the House adjourned.

Mr. Williams gave notice that he intended to move an amendment to the standing rules concerning adjournment.

Mr. Wallace filed a notice to the effect, that he would on to-morrow morning, move to take up the bill to establish the Lexington Bank, and make it the special order for Thursday next at 12 o'clock, February 8.

NIGHT SESSION, TUESDAY, FEBRUARY 8, 1859.

The House resumed the consideration of

H. 443, Mr. McKay's bill to charter the Fayetteville Savings bank, the pending question being upon the amendment of Mr. Caldwell, of Guilford, and it was put, and

Decided in the negative—Yeas, 48

Nays, 53

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Benbury, Bridgers, Brummell, Bryson, Burns, Byrd, Caldwell, of G., Chambers, Clapp, Cox, of J., Cox, of P., Dockery, Dula, Eller, Fagg, Faison, Ferebee, Gaither, of I., Gatling, Green, of C., Hall, of W., Henry, Hester, Lewis, McCotter, Martin, Moore, of C., Morehead, Morgan, Newby, Norman, Outlaw, Sanders, Shaw, Simonton, Simpson, Smallwood, Smith, Sparrow, Stephens, Thornburg, Waddill, Walker, Ward, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Barbee, Baxter, Bryan, of C., Bryan, of N. H., Bullock, Burke, Costner, Dancy, Dickson, Drake, Faribault, Faison, Foy, Fries, Gaither, of D., Gardener, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Long, Love, McKay, Masten, Meares, Moore, of N. H., Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Scales, Sherrill, Speer, Speight, Stanford, Taylor, Tomlinson, Thompson, Watters, Wilson and Williams.

The question recurring upon the passage of the bill the second reading, was put, and

Decided in the affirmative—Yeas, 97

Nays, 2

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson,

Bullock, Burns, Burke, Byrd, Chambers, Clapp, Costner, Cox, of J., Dancy, Dickson, Drake, Dula, Faison, Faribault, Foy, Farrow, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of H., Hill, of S., Higgins, Holdslaw, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Long, Love, McCotter, McKay, Martin, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Smith, Speer, Speight, Stanford, Tomlinson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watters, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Caldwell, of G., and Stephens.

Mr. Scales moved that the vote by which H. 419, to authorize and require the county courts of certain counties therein named, to tax certain articles of property not now authorized to be taxed, be reconsidered, and the question being thereon,

Mr. Caldwell, of B., moved the same be laid upon the table ; and it was not adopted.

The question upon the motion was then put and adopted, and the question recurring, "shall the bill pass the third reading?"

Mr. Leak moved to amend the same so as to exempt the county of "Anson," and it was adopted.

Mr. Meares then moved to amend the bill as follows :

Insert after the word "counties" the words "and towns;" after the word "same" insert "or the commissioners of said towns;" also in the 7th line, "or town." Strike out in the 9th line the word "required" and insert the word "authorized;" in the 13th line after the word "counties" insert "towns;" and it was adopted.

The question was then put and the bill passed the third reading so amended.

H. 363, Mr. Norwood's bill to punish usury in certain cases being the special order was,

On motion of Mr. Norwood,

Informally passed over.

H. 394, Mr. Caldwell's bill to amend the charter of the Western North-Carolina Railroad Company, being the special order for 8 o'clock, was considered, and the question thereon stated, "shall this bill pass the second reading?"

Mr. Hall, of Rowan offered a substitute therefor, viz:

Strike out all after the enacting clause. Amendment:

1. The charter granted the Western North-Carolina Railroad Company be so amended (the stockholders holding a majority of the stock thereto assenting) as to allow said company to locate the 2nd section of their railway from the town of Morganton to the French Broad river near Asheville, and to put the same under contract for construction so soon as the necessary amount of stock as hereinafter provided, shall have been subscribed according to the provisions and in the manner set forth in said charter.

2. That said 2nd section of said road shall be let to contract at prices not exceeding fifteen per cent. over and above the estimated cost made by the engineer of said company, and no part of the same shall be let, unless the whole can be put under contract at the same time.

3. When one-third of the amount necessary to complete said second section, estimating by the estimates of the engineer, and fifteen per cent. over and above shall be subscribed by solvent individuals, corporations and counties to the stock of said company, the board of internal improvements shall subscribe on the part of the State, the other two-thirds, which shall be paid in the manner prescribed in said charter for the payment of the stock for the first section of said road: *Provided, however,* That the State shall not be required to pay more than \$50,000 of said subscription during the year 1859, nor more than \$200,000 during the year 1860, and for each year thereafter a sum not exceeding \$300,000, until the grading of said second section shall be completed.

4. In case the subscription heretofore made to the stock of

said company by the county of Burke, shall be declared void by the judicial authorities of the State, the said company shall be allowed to receive subscriptions to supply the deficiency of stock which will be thereby created.

And the question being thereon, Mr. Outlaw rose to a point of order. He stated the point to be, that by the clock the hour for the adjournment, under the rule, had arrived.

The Speaker said he had been informed, and believed, that the minute hand of the clock had been put forward; that by his watch, which at the opening of the session this morning corresponded with the clock, the hour for the adjournment had not arrived, and the session had therefore not expired.

And so the House continued in session until 10 o'clock and 18 minutes by the House clock, when the Speaker announced the hour for the adjournment to have arrived; and

Pending the question aforesaid,

The House adjourned.

WEDNESDAY, FEBRUARY 9, 1859.

Mr. Watson asked for and obtained leave to withdraw the memorial of citizens of the county of Robeson, introduced by him.

On motion of Mr. Walser,

The bill to charter the Bank of Lexington, was made the special order for Thursday next, at 11 o'clock.

On motion of Mr. Bryan, of Craven,

The vote by which the House had rejected the bill to extend further aid to the Albemarle and Chesapeake Canal, was reconsidered, and then;

On motion of Mr. Badham,

The bill was made a special order for Friday next at 11 o'clock.

Mr. Hill, of Halifax, from the committee on enrolled bills, reported as follows, viz:

The committee on enrolled bills have examined and compared the following acts, viz:

To amend an act entitled an act, to amend an act to incorporate the Cheowee Turnpike Company.

Resolution in favor of Jos. A. Vinson, former sheriff of Johnston county.

Resolution in favor of Theodore Schrader.

Resolution in favor of Sarah A. Johnson.

An act to incorporate the Salisbury Gaslight Company,

An act to establish the 113th Regiment of North-Carolina Militia, in the county of Wilson.

A bill to incorporate the Long Acre Guards.

An act to amend the 2d section of the 28th chapter of the Revised Code, entitled County Revenue and Charges.

An act for the improvement of the roads in the counties of Henderson, Buncombe, Madison and Yancy.

An act to alter the time of holding courts of pleas and quarter sessions for the county of Jones.

An act to amend the 19th section of the 59th chapter of the Revised Code.

An act concerning Auctions and Auctioneers.

An act to amend an act entitled an act, to incorporate the town of Newton in the county of Catawba.

An act to incorporate Jamestown in the county of Guilford.

An act to incorporate the Raleigh Gaslight Company.

An act to amend an act to incorporate the town of Salem in Forsyth county.

An act to amend the charter of Normal College.

An act to incorporate the New-Berne and Baltimore Steamship Company.

An act to incorporate the Christian Gold Mining Company.

An act to incorporate the Transmountane College in the county of Madison.

An act to incorporate the Jones County Male and Female Seminary, in the county of Jones.

Resolution authorizing the Governor of the State to receive a Flag, tendered to the State of North Carolina by Lieut. Guthrie of the U. S. Navy.

An act to incorporate Carthage Lodge, No. 181, Ancient York Masons.

An act to incorporate the Phoenix Mining Company, in the county of Guilford.

An act to incorporate the McClenden's Creek Navigation Company, in the county of Moore.

An act to incorporate the Dawson Steamboat Company.

An act to incorporate the New-Berne Gaslight Company.

Have found them correct and truly enrolled.

The House resumed the consideration of H. 394 the bill to amend the charter of the Western North-Carolina Railroad Company, the question being upon the amendment offered yesterday by Mr. Hall of Rowan.

Mr. Caldwell, of Burke, offered the following amendment :

Strike out all of the first section after the word "sufficient," and insert "to complete the road from Morganton to the French Broad river near Asheville, which amount shall be according to the engineer's estimate thereupon, with 15 per cent. added thereto, and which shall be called the said division of said road.

Section 2 insert the 3rd section of the substitute.

Section 3 insert 2nd section.

Section 4. That if the stock authorized to be subscribed by the first section shall not be taken within six months after the acceptance of this charter, then whenever the sum of \$50,000 as in section 2 of the original bill.

And that sections 3, 4, 5, 6, 7 and 8 of the original bill be retained and made part of this amendment.

And it was adopted.

Mr. Fries offered the following amendment :

After the words "of the State," in section 5 line 5, strike out to the end of the section and insert as follows, viz : "a new subscription to the same amount to take its place shall be raised and secured, and the required instalments thereon paid, before the State shall be called on to make further subscriptions or payments."

And it was adopted.

Mr. Outlaw offered the following amendment :

All the certificates required to be made by the president and treasurer "that one-third of the estimated cost required

to complete any section has been subscribed by solvent individuals and corporations and five per cent paid thereon in cash," shall be made under oath, and the board of internal improvements may, and shall if they have any doubt, before they direct the public treasurer to subscribe to the stock of said company, ascertain that the subscriptions made by individuals and corporations are legally binding upon them; that the persons and corporations making the same are solvent; and that the cash payments have been *bona fide* made, and to enable them to do so shall have power to examine witnesses on oath.

Mr. Ward offered the following amendment :

Insert after the word "estimate" the words "heretofore made," and it was adopted.

Mr. Higgins offered the following amendment :

And if from any cause the said company should be unable to avail themselves of the provisions of this act, then and in that case they may proceed under their charter as heretofore adopted, and be remitted to and enjoy all the rights and privileges of the same.

And it was adopted.

And the question recurring "shall this bill pass the second reading?" it was decided in the affirmative, and it was ordered to be printed.

On motion of Mr. Norwood,

This bill was made the special order for half-past 7 tomorrow night.

H. 218, Mr. Reeves' bill concerning free persons of color, the question being "shall this bill pass the second reading?"

Mr. Byrd moved the same be laid upon the table, and the question thereon was put and

Decided in the negative—Yeas, 43

Nays, 57

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Blount, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Clapp, Costner, Cox, of P., Eller,

Fagg, Gaither, of I., Gentry, Green, of C., Hall, of R., Henry, Hill, of S., Holdscaw, Kerr, Martin, Moore, of C., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Scales, Shaw, Sherrill, Simpson, Smith, Sparrow, Stephens, Taylor, Thornburg, Waddill, Watson, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Barbee, Baxter, Benbury, Bridgers, Bryan, of C., Chambers, Cox, of J., Dancy, Dickson, Dockery, Dortch, Drake, Dula, Faison, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gardener, Green, of F., Hall, of W., Hargrove, Harrington, Hester, Higgins, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Lyon, McCotter, Moore, of M., Mordecai, Reeves, Ripley, Roney, Sanders, Simonton, Smallwood, Speer, Speight, Tomlinson, Thompson, Wallace, Walser, Watters, Whitfield and Wilson.

The House having refused to lay the question upon the table, it recurred, when Mr. McKay offered the following amendment:

Be it further enacted, That if any free person of color being the head of a family should be sold under the provisions of this act, the wife and children of said free person of color so sold shall be supported by the wardens of the poor, at the expense of the county in which they reside.

And the question being thereon, Mr. Reeves offered the following:

Provided, That this amendment shall only apply to Cumberland county.

And it was not adopted.

Mr. Morehead moved the bill be indefinitely postponed, and this question was put, and

Decided in the affirmative—Yeas, 73

Nays, 25

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Barbee, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Burns, Burke, Byrd, Caldwell, of B.,

Caldwell, of G., Clapp, Costner, Cox, of P., Craven, Dockery, Dortch, Dula, Eller, Faison, Fries, Gaither, of D., Gaither, of I., Gatling, Green, of C., Green, of F., Hall, of W., Hall, of R., Henry, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Leffers, Long, Love, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Scales, Shaw, Simonton, Simpson, Smallwood, Smith, Sparrow, Stanford, Stephens, Taylor, Thornburg, Waddill, Wallace, Ward, Watson, Williams, Wilson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Bryan, of C., Cox, of J., Dancy, Dickson, Drake, Dula, Faison, Ferebee, Foy, Gardener, Hargrove, Harrington, Hester, Jones, of C., Kirby, Lewis, Lyon, McCotter, Reeves, Roney, Sanders, Speer, Speight, Tomlinson, Watters and Whitfield.

On motion of Mr. Bryan, of Craven,

Mr. Cox, of Pitt, was again called and voted as already stated.

Mr. Fagg asked leave to vote after the roll was called, and was refused.

Mr. Dancy, from the committee on enrolled bills (No. 2) reported as follows :

The committee on enrolled bills have examined the following bills and found them correct, viz :

Resolution for the relief of Solomon M. Wray, high sheriff of the county of Yancey.

An act to enable and authorize the sureties of Jno. D. Abernathy, deceased, late sheriff of Duplin county, to collect arrears of taxes in said county.

An act for the better regulation of the town of Beaufort.

An act to incorporate Pleasant Grove Camp Ground, in Union county.

Resolution in favor of Elisha Holland.

An act to amend an act of incorporation of the town of Elizabeth City.

An act to repeal an act entitled an act to abolish jury trials in the county courts of Polk county.

An act to prevent the sale of intoxicating liquors at or near Davidson College, and for other purposes.

Resolution in favor of J. J. James.

The House, pursuant to special order, considered

H. 333, Mr. Ransom's bill to charter the Bank of North-Carolina.

The question being upon the amendments proposed by the committee on corporations,

On motion of Mr. Outlaw,

The question was put upon each amendment separately.

1st amendment adopted as follows :

Strike out the word "corporations" wherever it occurs in sections 2 and 3.

2nd amendment adopted as follows :

Insert after the word "paid," in the 6th line of section 32, the following : "And in case of a suspension of specie payment by the bank, unless upon the advice of the Governor and Council given in writing, the bank shall pay into the public treasury, and it is hereby made the duty of the public treasurer to collect it, at the rate of 4 per cent. per annum on the amount of its circulation at the date of its last published statement for the time it shall remain suspended."

3rd amendment was rejected as follows :

Add to section 42 the following : "And no note shall be received by the principal bank, that is not made payable at said bank, or by any of its branches or agencies that is not made payable at said branch or agency."

4th amendment not adopted as follows :

After the word "individuals," in the 4th line of section 46, insert "and also on each and every share owned by individuals not exceeding one dollar for every share, as the legislature may direct, and the exigencies of the State may require, in equalizing taxation."

Mr. Windley offered the following amendment :

"Strike out in first section in 10th line the figures (1890) and insert 1879;" and it was not adopted.

Mr. Williams moved to strike out the 46th section, whereupon Mr. Ransom offered the following amendment thereto,

“Provided further, That any real or personal estate which the bank may at any time take in payment of debts, shall, whilst held by them, be subject to the same tax as other property of the same kind, held by individuals.”

And it was adopted, and the question being upon the motion to strike out;

A message was received from the Senate communicating a report from the joint committee upon the N. C. Railroad investigation, which being ordered to be printed,

The House adjourned.

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NIGHT SESSION—WEDNESDAY, FEBRUARY 9, 1859.

The House resumed the consideration of

H. 333, Mr. Ransom's bill to charter the Bank of North-Carolina.

The pending question being upon the motion to strike out, and it was adopted, the question recurring, Mr. Caldwell, of Guilford, offered the following amendment :

Strike out in section 45, line 7, the word “four” and insert “three and a half,”

And it was put, and

Decided in the negative—Yeas, 23

Nays, 66

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Baxter, Brummell, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Dula, Gaither, of D., Green, of C., Harrington, McCotter, Martin, Purdie, Sanders, Speer, Stanford, Stephens, Thornburg, Watson and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Byrd, Costner, Cox, of J., Dancy,

Dickson, Dortch, Drake, Faison, Ferebee, Foy, Fries, Gaither, of I., Gardener, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Kerr, Kirby, Leak, Leffers, Long, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of N. H., Morehead, Norman, Norwood, Outlaw, Pritchard, Ransom, Reagan, Roney, Shaw, Simonton, Simpson, Smith, Smallwood, Sparrow, Speight, Taylor, Tomlinson, Thompson, Walser, Ward, Watters, Wilson, Williams, and Woodfin.

Mr. Hill, of H., offered the following amendment, viz :

Be it further enacted, That each share owned by individuals shall be subject to an annual tax of thirty cents, which shall be reserved out of the profits of individual stock as they accrue, by the cashier of the principal bank and paid to the public treasurer on or before the 1st day of October in each and every year; which tax may be increased at any time not exceeding one dollar for each and every share as the Legislature may direct, and the exigency of the State require, in equalizing taxation : *Provided*, That the tax in this case shall not be greater than that imposed on shares in such other bank as may be chartered at any other succeeding General Assembly. And, *provided, further*, That nothing herein contained shall be so construed as to restrain any future General Assembly from taxing dividends belonging to individuals or corporations; said tax not to exceed that which may be imposed on interest received for money loaned, but in case of the tax in this section being imposed, the bank shall be entitled to interest upon its loans to the State, and the entire profits shall be divided among the stockholders.

And it was adopted.

Mr. Caldwell, of Guilford :

No officer of said bank shall hold or fill any office in any other bank corporation in this State.

And it was not adopted, there being counted yeas 32, nays 56.

Mr. Smith offered the following amendment :

The public treasurer shall subscribe, in behalf of the president and directors of the literary fund, for an amount of stock

equal to that now held by the literary fund in the bank of the State of North-Carolina, and the proceeds of the stock aforesaid shall be applied in meeting the instalments required upon the subscription.

And it was adopted,—the question recurring upon the passage of the bill the second reading, was put, and

Decided in the affirmative—Yeas, 81

Nays, 17

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Caldwell, of B., Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Henry, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leak, Leffers, Long, Love, Lyon, McCotter, McKay, Masten, Meares, Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Roney, Scales, Simonton, Shaw, Simpson, Smallwood, Smith, Sparrow, Speight, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Watters, Watson, Williams, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Caldwell, of G., Chambers, Clapp, Craven, Dockery, Ferebee, Hargrove, Hester, Lewis, Martin, Morgan, Pritchard, Sanders, Speer, Stanford, Stephens and Windley.

Mr. Newby voted after the roll was called.

Mr. Burke paired off with Mr. Moore, of Martin.

On motion of Mr. Bryan, of Craven,

The House considered S. 536, the engrossed bill from the Senate to establish the Bank of Commerce, and the question being "shall this bill pass the second reading?"

Mr. Fries offered the following amendment :

And all bills, notes, bills or certificates of deposit, intended

for circulation, over five dollars, shall be ten, or the multiple of ten.

And it was adopted.

Mr. Dortch offered the following amendment :

That a branch of this bank shall be established at the town of Goldsboro.

And it was adopted.

Mr. Ferebee offered the following amendment :

In 12th and 5th sections 85th line strike out "six" and insert "three."

Mr. Williams offered the following amendment :

In the 1st section, 14th line, insert Edward R. Stanley, Peter G. Evans, John Jackson, Council B. Wood, Richard A. Russell, W. H. Pearce, Amos Wade, John R. Donnell, Charles Slover and Samuel Hill.

And it was adopted.

Mr. Dortch offered the following :

In section 1, line 5, strike out "four" and insert "six."

And it was adopted.

And the question recurring, "shall the bill pass?" it was put and

Decided in the affirmative—Yeas, 53

Nays, 42

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Blount, Brummell, Bryan, of C., Bryson, Bullock, Caldwell, of B., Chambers, Costner, Cox, of J., Cox, of P., Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Hall, of R., Hall, of W., Higgins, Kerr, Kirby, Love, McCotter, McKay, Masten, Meares, Morehead, Morgan, Newby, Sanders, Shaw, Simonton, Sparrow, Stanford, Thompson, Thornburg, Waddill, Walker, Watters, Walser, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baxter, Benbury, Bridgers, Bryan, of N. H., Burke, Caldwell, of G., Clapp, Craven, Dancy, Dockery,

Ferebee, Fries, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Hutchins, Leffers, Lewis, Moore, of C., Norman, Norwood, Outlaw, Purdie, Reagan, Roney, Scales, Simpson, Smallwood, Smith, Speight, Stephens, Taylor, Tomlinson, Wallace, Ward and Windley.

Messrs. Speer and Kirby voted after the roll was called.

So the bill passed the second reading.

Mr. Williams moved the rule be suspended, and the bill placed on the calendar for the third reading; and this question was put, and

Decided in the affirmative—Yeas, 56
Nays, 43

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Bryan, of C., Bryson, Bullock, Caldwell, of B., Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Green, of F., Hall, of W., Hester, Higgins, Jones, of O., Kerr, Lewis, Love, Lyon, McCotter, McKay, Martin, Masten, Meares, Moore, of N. H., Morgan, Mordecai, Newby, Purdie, Ransom, Sanders, Simonton, Smallwood, Sparrow, Stanford, Thompson, Thornburg, Waddill, Walker, Wallace, Watters, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Baxter, Benbury, Brummell, Bryan, of N. H., Burke, Caldwell, of G., Chambers, Clapp, Craven, Dockery, Ferebee, Fries, Hargrove, Harrington, Henry, Hill, of H., Hill, of S., Hutchins, Kirby, Long, Moore, of C., Moore, of M., Morehead, Norman, Norwood, Outlaw, Reagan, Roney, Scales, Shaw, Simpson, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Wallace, Ward and Wilson.

Messrs. Lewis and Wallace voting after the roll was called, and Mr. Badham changing his vote.

On motion of Mr. Bullock,

The House considered the Senate bill (516) to amend the

charter of the Petersburg and Roanoke Railroad Company. The question being "shall the bill pass the second reading?"

Mr. Bullock offered the following amendment:

Provided, The said bridge is not nearer than one hundred yards to the bridge of the Seaboard and Roanoke Railroad, across said river.

And it was adopted.

Mr. Smith offered the following:

Strike out "twice" in section 3.

And it was adopted.

So amended, the bill passed the second reading, and then the question being "shall the bill pass the third reading?"

Mr. Ransom offered the following amendment.

Strike out all after the enacting clause, and insert

Be it enacted, That the Petersburg Railroad Company be and they are hereby authorized, to construct and maintain a railway from some convenient point near Garysburg to and into Weldon, and to erect and maintain a bridge across Roanoke river.

2. That land shall be condemned for the said railway in the same manner as is now provided by their charter.

3. This act shall not repeal any law now in force in reference to a draw in any bridge that may be erected.

The question being put upon the motion to strike out, it was adopted—yeas 40, nays 30. The question recurring,

Mr. Outlaw offered the following amendment:

Provided, The said bridge is not nearer than one hundred yards to the bridge of the Seaboard and Roanoke Railroad, across said river.

And it was adopted.

The substitute, so amended, was then adopted, and the bill so amended passed the third reading.

Ordered, The amendments be engrossed and sent to the Senate.

H. 120, Mr. Kirby's bill to charter the Fayetteville Branch of the Wilmington and Weldon Railroad,

Was read, and the question put, "shall this bill pass the second reading?"

Mr. Morehead moved the same be laid upon the table, and it was not adopted; the question recurring Mr. Foy offered the following amendment:

Be it further enacted, That the said company be authorized and empowered to extend the said railroad east across the Wilmington and Weldon Railroad to Beaufort harbor, or they shall connect with any other railroad company that is now authorized by law, or may hereafter be chartered to extend the said railroad east to Beaufort harbor, and the road, when so extended, shall be one road, and there shall be no discrimination between that extended east or west to Fayetteville, and shall be managed by the same directors.

And it was not adopted.

The bill then passed the third reading.

Ordered, To be engrossed and sent to the Senate.

H. 422, Mr. Dancy's resolution in favor of the N. C. State Agricultural Society.

The question being upon the substitute proposed by the committee on agriculture, and adopted,

Mr. Pritchard offered the following amendment:

“Provided, Said State agricultural society shall not hold its annual exhibitions hereafter more than two years consecutively at any one place.

And Provided further, That the next annual fair of said society, shall be held at Charlotte, if said town shall afford ample accommodations for the same.”

And this amendment was adopted. The question recurring, was put, and

Decided in the negative—Yeas, 32

Nays, 53

On motion of Mr. Norman,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Dancy, Dickson, Drake, Faison, Faribault, Ferebee, Fries, Gardener, Hutchins, Jones, of O., Long, Martin, Meares, Moore, of N. H., Mordecai, Newby, Norwood, Outlaw,

Pritchard, Purdie, Ransom, Shaw, Smith, Sparrow, Speight, Stanford, Wallace and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Baxter, Brummell, Bryson, Burke, Caldwell, of B., Caldwell, of G., Chambers, Costner, Craven, Dockery, Dula, Fagg, Foy, Gaither, of I., Gentry, Green, of C., Hall, of R., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Kerr, Leffers, Love, Lyon, McCotter, McKay, Masten, Moore, of C., Morehead, Morgan, Norman, Reagan, Roney, Sanders, Scales, Simonton, Simpson, Smallwood, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Watson, Wilson, Williams and Windley.

Messrs. Hill, of Stokes, Caldwell, of Burke, and Bryson having changed their votes to the negative, and Messrs. Baird and Watson voting after the roll was called.

S. 571, the engrossed bill from the Senate to cede to the United States jurisdiction over certain lands near Albemarle and Chesapeake Canal, passed the second and third readings.

Ordered, To be enrolled.

S. 570, the engrossed Senate bill (570) to enlarge the powers of married women over their estates, passed the second reading, and then the question being "Shall the bill pass the third reading?" Mr. Chambers moved the same be laid upon the table; upon which, Mr. Dortch moved the yeas and nays be ordered.

The question upon the motion of Mr. Dortch was pending at the adjournment.

THURSDAY, FEBRUARY 10, 1859.

Mr. Baird presented the recommendation of justices for the county of Brunswick.

Mr. Foy, a recommendation of justices for Onslow.

Mr. McCotter, a recommendation of justices for the county of Pitt.

Mr. Caldwell, of B., a recommendation of justices for the county of Burke.

Mr. Morehead, a recommendation of justices for the county of Guilford.

Ordered, To be sent to the Senate.

Mr. Green, of Franklin, presented a minority report from the committee on the North-Carolina Railroad investigating committee.

Ordered, To be sent to the Senate, with a proposition to print.

Mr. Henry introduced the following resolution :

Resolved, That a message be sent to the Senate proposing that the two houses adjourn *sine die* on Thursday, 17th of this month at 10 o'clock, A. M.

The question being thereon, Mr. Bridgers moved the same be laid upon the table ; and this question was put and

Decided in the negative—Yeas, 47

Nays, 52

On motion of Mr. Henry,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Costner, Cox, of J., Dancy, Drake, Fagg, Faison, Faribault, Farrow, Foy, Gardner, Hall, of R., Hargrove, Hester, Hill, of S., Higgins, Hutchins, Jones of C., Jones, of O., Kerr, Leffers, Lewis, Love, Lyon, McCotter, McKay, Masten, Moore, of N. H., Morehead, Norwood, Reagan, Reeves, Roney, Simpson, Taylor, Thornburg, Waddill, Walker, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Blount, Brummell, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Dortch, Eller, Ferebee, Fries, Gaither, of D., Gaither, of I., Green, of C., Green, of F., Harrington, Henry, Hill, of H., Holdsclaw, Long, McCotter, Martin, Meares, Moore, of C., Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Sanders, Scales, Sherrill, Simonton, Smallwood, Sparrow, Speer, Stanford, Stephens, Tomlinson, Thompson, Wallace, Walser, Ward, Watters, Watson, Wilson and Windley.

Mr. Norwood changed his vote to the affirmative, and

Messrs. Hester, McCotter and Hill, of H., voted after the roll was called.

And the question recurring, Mr. Reeves moved to amend as follows :

Strike out "Thursday next" and insert "Saturday next."

Mr. Waddill moved to amend as follows :

Strike out and insert "Tuesday next, at 12 o'clock."

The question being thereon, Mr. Dortch moved to lay the same upon the table, and this question was put, and

Decided in the affirmative—Yeas, 62

Nays, 36

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Blount, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Costner, Dancy, Dickson, Dortch, Drake, Dula, Faison, Faribault, Foy, Fries, Gaither, of D., Gardener, Gatling, Hall, of R., Hargrove, Hester, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Moore, of N. H., Mordecai, Norwood, Ransom, Reeves, Roney, Scales, Shaw, Sherrill, Simpson, Speer, Thompson, Walker, Wallace, Walser, Watters, Watson, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Brummell, Byrd, Caldwell, of B., Chambers, Cox, of J., Cox, of P., Dockery, Eller, Ferebee, Gaither, of I., Harrington, Henry, Hill, of H., Holdselaw, Long, McCotter, Martin, Meares, Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Reagan, Sanders, Simonton, Smallwood, Sparrow, Stanford, Stephens, Thornburg, Waddill, Ward and Windley.

Mr. Walser changed his vote from the negative.

Mr. Brummell changed his vote from the affirmative.

Mr. Stanford voted after the roll was called.

Mr. Dancy moved to reconsider the vote by which the House had yesterday passed,

H. 120, the bill to charter the Fayetteville branch of the

Wilmington and Weldon Railroad, whereupon, Mr. Kirby moved the same be laid upon the table, and it was so ordered.

On motion of Mr. Dortch,

Ordered, That a message be sent to the Senate proposing at 10 o'clock to-morrow, to elect 10 trustees of the University.

Bills, etc., of the titles following being introduced, passed the first reading, and other proceedings were had thereon as follows, viz:

By Mr. Moore, of New Hanover: A bill No. 610, supplemental to an act of the present session to establish the county of Lillington.

On motion of Mr. Moore, of New Hanover,

The rule being suspended this bill was read the second time, when

Mr. Bryan, of New Hanover, offered the following amendment:

"This act shall go in force from and after its ratification."

And it was adopted; the bill then passed the second and third readings, and was

Ordered, To be engrossed and sent to the Senate.

By Mr. Williams: a bill (611) to charter the Alamance and Caswell Railroad Company.

On motion of Mr. Williams,

The rule being suspended the bill was read the second time and the question put, when Mr. Scales moved to amend as follows:

Strike out "Mebanesville or some point on the North-Carolina Railroad."

And it was adopted. Mr. Outlaw, an amendment as follows: Strike out "perpetuity" and insert "for the term of 99 years," and it was adopted.

The question was then put, and

Decided in the affirmative—Yeas,	64
Nays,	29

On motion of Mr. Stanford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Baxter, Benbury, Bridgers,

Brummell, Bryan, of C., Bryson, Bullock, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Costner, Dancy, Dickson, Dortch, Drake, Dula, Eller, Fagg, Ferebee, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Hall, of W., Harrington, Hester, Hill, of S., Higgins, Holdscaw, Jones, of C., Kerr, Leffers, Love, Lyon, McKay, Martin, Masten, Meares, Mordecai, Newby, Norwood, Outlaw, Pritchard, Reeves, Roney, Scales, Shaw, Sherrill, Simonton, Smith, Sparrow, Thompson, Walker, Wallace, Walser, Wilson, Williams and Windley.

And the following in the negative, viz:

Messrs. Blount, Bryan, of N. H., Burns, Burke, Clapp, Cox, of P., Craven, Dockery, Faribault, Green, of F., Hall, of R., Hargrove, Henry, Hutchins, Kirby, Lewis, Long, Morehead, Morgan, Norman, Purdie, Sanders, Smallwood, Speight, Stanford, Stephens, Thornburg, and Whitfield.

Mr. Hester voted after roll-call.

Mr. Gaither, of Iredell, changed his vote from the negative.

So the bill passed the second reading, and the question being "shall the bill pass the third reading?"

Mr. Caldwell, of Burke, offered the following amendment:

Be it further enacted, That if the stock necessary to build said road shall not be subscribed on or before the 1st November, 1860, then this charter shall be void and of no effect.

And the question thereon was put, and

Decided in the affirmative—Yeas, 51

Nays, 49

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Blount, Brummell, Burns, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Craven, Dockery, Dula, Eller, Ferebee, Fries, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Hall, of R., Henry, Hill, of S., Hutchins, Jones, of O., McKay, Martin, Masten, Moore, of M., Morehead, Morgan, Newby, Norman, Outlaw, Pritchard, Simonton, Simpson, Smallwood, Sparrow, Stephens, Tay-

lor, Tomlinson, Thornburg, Waddill, Walker, Walser, Washburne, Watters, Watson, Whitfield and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Baxter, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Byrd, Dancy, Dortch, Drake, Fagg, Gardener, Green, of F., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Higgins, Jones, of C., Kerr, Kirby, Leffers, Lewis, Love, Lyon, Meares, Moore, of C., Moore, of N. H., Mordecai, Norwood, Purdie, Reagan, Roney, Sanders, Scales, Shaw, Sherrill, Speight, Stanford, Thompson, Wallace, Ward, Wilson, Williams and Woodfin.

Messrs. Thompson and Reeves voted after the roll was called, and Messrs. Meares, McCotter and Newby changed their votes.

Mr. Jones, of Orange, then offered the following amendment :

"And may strike the North-Carolina railroad at or from the Work Shops to Hillsboro', as may be decided upon by the stockholders."

And it was adopted, there being counted yeas 49, nays 20.

Mr. Benbury offered the following amendment :

"*Provided*, That said railroad shall not run within five miles of the Virginia line. If it shall do so then it shall forfeit its charter."

{ The question thereon was put and

Decided in the affirmative—Yeas, 56

Nays, 41

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dickson, Dockery, Faison, Ferebee, Gatling, Hargrove, Henry, Higgins, Hutchins, Jones, of C., Kirby, Leffers, Lewis, Long, McCotter, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simpson, Smallwood, Smith, Sparrow, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Walser,

Ward, Watters, Watson, Whitfield, Wilson, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Bryson, Burke, Byrd, Caldwell of B., Caldwell, of G., Dortch, Drake, Dula, Eller, Fries, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of F., Harrington, Hester, Hill, of S., Jones, of O., Kerr, Lyon, McKay, Martin, Meares, Mordecai, Norwood, Pritchard, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simon-ton, Speer, Walker, Wallace and Williams.

Messrs. Meares, Caldwell, of Guilford, and Kirby voted after the roll was called.

Messrs. Reagan and Dancy changed their votes.

Mr. Reeves then offered the following amendment:

Provided, further, That the sum of fifty-six millions of dollars be and the same is hereby appropriated, for the purpose of building an impassable wall around the State, so as effectually and absolutely to prevent all intercourse and trade between this good old State and the adjoining and sister States.

Pending the consideration of which

On motion of Mr. Williams,

The bill was indefinitely postponed.

The Senate having proposed by message to raise a joint committee to examine the state of business now upon the calendar, and when it would be practicable to adjourn without injury to the public business, and the House having concurred therein, the Speaker appointed Messrs. Moore, of Chatham, Fries and Smith, the House branch of said committee.

On motion of Mr. Morehead,

Resolved, That his Excellency, the Governor, be requested to inform this House whether the mortgage executed by the Atlantic & North-Carolina Railroad Company to Thomas Bragg, Governor, &c., for the use and benefit of the State of North-Carolina, bearing date 1st October, 1857, does not convey and cover property of said company not authorized or required to be conveyed by the act authorizing said mort-

gage, and that he be respectfully requested to furnish this House with a copy of said mortgage deed.

Resolved, That he be respectfully requested to lay before this House, any information he may have as to the state of the assets of said company, and their liabilities; and whether said company have the means of raising funds whilst said mortgage covers their property, assets and receipts; and whether said company have laid before him any programme or plan whereby they propose to meet their liabilities; and whether the equity of redemption in all the property conveyed by said mortgage is not subject to sale under execution.

Resolved, That he inform this House, if in possession of the facts, whether the bridge across the river Trent, at the town of New Berne, belonging to said company, has been, or is about to be inclosed and protected from the weather and exposure.

Resolved, That his Excellency inform this House of the number of shares of stock held by each director in the Atlantic & North-Carolina Railroad Company.

The unfinished business being resumed, viz:

S. 570, to enlarge the powers of married women over their separate estates,

Mr. Chambers having withdrawn the call for the yeas and nays, the bill passed the third reading.

Ordered, That it be enrolled.

Pursuant to order the House considered H. 596, Mr. Walser's bill to establish the Bank of Lexington, the question being "shall the bill pass the second reading?" when

Mr. Scales offered the following amendment:

"Books for the subscription of said capital stock shall be opened at Graham, in Alamance, county, under the superintendence of Edwin M. Holt, Thomas Ruffin, Jr., Jesse Grant and John Trolinger, or a majority of them, and provided one thousand shares of the stock of said company shall be subscribed for at Graham, and paid in according to the provisions of said bill, it shall be the duty of said bank to establish a branch at Graham with a capital of \$100,000."

And it was adopted.

Mr. Walser offered the following amendment:

In section 15, line 3, strike out "fifty" and insert "fifteen."
And it was adopted.

Mr. Ferebee offered the following:

Section 13, line 3, strike out the word "six" and insert "three,"

And it was adopted.

Mr. Hill, of Halifax, offered the following:

Add to section 12 as follows: "and shall publish similar statements in two papers of the largest circulation, one in the city of Raleigh, and one in the town, on the 1st day of January in each year, and every three months thereafter."

And it was adopted.

In section 10, after the words "five dollars," say, "and if over five, none unless it be ten or its multiple."

And it was adopted,—the question then recurring "Shall this bill pass the second reading?" was put, and

Decided in the negative—Yeas, 39

Nays, 49

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Brummell, Burns, Burke, Byrd, Caldwell, of B., Chambers, Costner, Drake, Eller, Fagg, Gaither, of D., Gaither, of I., Gentry, Harrington, Hester, Higgins, Holdsclaw, Jones, of C., Kerr, Love, Masten, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Speer, Taylor, Thornburg, Waddill, Walker, Walser and Woodfin.

And the following in the negative, viz:

Messrs. Benbury, Bridgers, Bryan, of C., Bryan, of N. H., Caldwell, of G., Cox, of J., Craven, Dancy, Dockery, Dortch, Faison, Ferebee, Farrow, Foy, Fries, Gardener, Green, of C., Green, of F., Hargrove, Henry, Hill, of H., Hill, of S., Hutchins, Jones, of O., Leffers, Lewis, Long, Lyon, Moore, of C., Moore, of M., Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Sanders, Smallwood, Smith, Stanford,

Stephens, Tomlinson, Thompson, Wallace, Ward, Whitfield, Wilson, Williams and Windley.

Mr. Hall, of R., refused leave to vote.

Messrs. Gaither, of I., and Faison voted after the roll was called; and

Mr. Bryan, of C., changed his vote from the affirmative.

So the bill did not pass the second reading.

Mr. Outlaw then moved that the vote just taken be reconsidered, and that the question thereon be laid upon the table, and the latter question being put, and a division called for, there were counted yeas 44 nays 45, so the motion to lay upon the table did not prevail, and the question recurred upon the motion to reconsider, when Mr. Outlaw withdrew the same, but it being immediately repeated by Mr. Bryan, of Craven, the question thereon was put, and

Decided in the affirmative—Yeas, 55

Nays, 45

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Brummell, Bryan, of C., Bryson, Burns, Burke, Byrd, Caldwell, of B., Chambers, Clapp, Dortch, Drake, Dula, Eller, Fagg, Faison, Farrow, Gaither, of D., Gaither, of I., Gentry, Hall, of R., Hall, of W., Harrington, Hester, Higgins, Holdsclaw, Jones, of C., Kerr, Love, Lyon, McCotter, McKay, Martin, Masten, Moore, of N. H., Morehead, Pritchard, Purdie, Ransom, Reeves, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Sparrow, Speer, Thornburg, Walker, Walser, Watson and Woodfin.

And the following in the negative, viz:

Messrs. Benbury, Blount, Bridgers, Bryan, of N. H., Bullock, Caldwell, of G., Dancy, Dickson, Ferebee, Foy, Fries, Gardener, Gatling, Green, of F., Hargrove, Henry, Hill, of H., Hill, of S., Jones, of O., Kirby, Leffers, Lewis, Long, Meares, Moore, of C., Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Sanders, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Watters, Whitfield, Wilson, Williams and Windley.

The question being reconsidered, was again put, and decided in the affirmative.

So the bill passed the second reading, and then,

On motion of Mr. Reeves,

The further consideration of the same was postponed until Thursday next, and made a special order.

Pursuant to notice, Mr. Bryan, of Craven, moved to take up

S. 336, the Senate bill to establish the Bank of Commerce; and the question thereon was put, and

Decided in the negative—Yeas, 46

Nays, 46

(Two-thirds not voting in the affirmative.)

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Blount, Bryan, of C., Bryson, Caldwell, of B., Chambers, Costner, Cox, of P., Dancy, Dortch, Drake, Dula, Fagg, Faison, Foy, Gaither, of I., Gentry, Green, of F., Hall, of R., Hall, of W., Higgins, Holdscaw, Jones, of C., Kerr, Kirby, McCotter, McKay, Masten, Purdie, Ransom, Reeves, Sanders, Sherrill, Simonton, Simpson, Speer, Taylor, Walker, Wallace, Walser, Watson, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz:

Messrs. Bridgers, Brummell, Bryan, of N. H., Burns, Caldwell, of G., Clapp, Craven, Dickson, Eller, Farrow, Ferebee, Fries, Gatling, Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Hutchins, Jones, of O., Lewis, Meares, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Reagan, Roney, Scales, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thornburg, Waddill, Ward and Watters.

Mr. Dancy, from the committee on enrolled bills, reported as follows, viz:

The committee on enrolled bills beg leave to report that they have examined the following bills and found them correct, viz:

An act to incorporate Tyon Coco Swamp Canal Company.

An act to incorporate Pitt County Female Institute.

An act to incorporate Rutherford Academy, in Burke county.

An act to incorporate the town of Winston, in Forsyth county.

An act to incorporate the Montgomery Mining Company.

An act to incorporate the town of High Point, in Guilford county.

An act to incorporate the Edenton Literary Association, in the town of Edenton.

An act to amend the act of incorporation of the town of Edenton.

An act to incorporate Pollocksville Lodge, No. 175, of Free and Accepted Masons, in the town of Pollocksville, Jones county.

Resolution in favor of common schools of Randolph county.

An act to protect purchasers under judicial sales.

An act to incorporate the Tennessee Valley Turnpike Company.

An act to extend the corporate limits of the town of Swansboro'.

Resolution for the relief of Jackson Stewart, former sheriff of the county of Yancey.

The House then resumed the calendar.

H. 196, Mr. Reeves' bill to charter a road at Fisher's Gap, in the county of Surry, was

On motion of Mr. Windley,

Indefinitely postponed—Yeas, 60

Nays, 31

On motion of Mr. Reeves,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Blount, Bridgers, Burns, Burke, Byrd, Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dancy, Dockery, Dortch, Dula, Farrow, Ferebee, Foy, Fries, Gardener, Gatling, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Henry, Hester, Hill, of H., Hill, of S., Holds-

claw, Hutchins, Jones, of C., Lewis, Long, Lyon, McCotter, Moore, of C., Morgan, Newby, Outlaw, Pritchard, Purdie, Ransom, Sanders, Shaw, Smallwood, Speight, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Ward, Watson, Whitfield, Wilson and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Bryan, of C., Bryson, Drake, Eller, Fagg, Faison, Faribault, Gaither, of L., Gentry, Higgins, Love, McKay, Martin, Masten, Meares, Moore, of M., Mordecai, Reagan, Reeves, Roney, Scales, Sherrill, Simonton, Simpson, Speer, Stanford, Walser, Watters and Williams.

Mr. Henry voted after the roll was called.

Mr. Dancy being absent upon the business of the House, was allowed to vote.

Messrs. Masten and Chambers changed their votes.

Pursuant to notice, Mr. Williams introduced the following :

Resolved, That on and after to-day, this House do adjourn at 2 o'clock, P. M., instead of 3 o'clock, P. M.

H. 363, Mr. Norwood's substitute for the bill to punish usury in certain cases, passed the second and third readings.

Ordered, That it be engrossed and sent to the Senate.

S. 457, the Senate bill to amend the charter of the North-Carolina Mutual Fire Insurance Company, passed the second and third readings.

Ordered, To be enrolled.

Mr. Foy moved that the House now take from the table the motion to reconsider the vote upon the bill (120) to charter the Fayetteville branch of the Wilmington and Weldon Railroad ;

And it was not adopted, there being counted yeas 41, nays 38.

H. R. 463, Mr. Morehead's resolution in favor of Common Schools and the purchase of Hawks' History, being read the second time, and the question put, the hour fixed to-day for adjournment arrived, and

The House adjourned.

NIGHT SESSION—THURSDAY, FEBRUARY 10, 1859.

The House resumed the consideration of

H. R. 463, in favor of common schools, and for the purchase of Hawks' History.

The question being upon the passage of this resolution, the second reading, Mr. Drake offered the following amendment:

Be it further Resolved, That the several school committees, in each and every district in the State, *shall* require the teacher to take care of the work; to read or have read, daily, a portion of the same during the session, and at the termination of the school, to surrender the same into the hands of the chairman of the district committee, whose *especial* duty it *shall* be to take care of it until the regular commencement of the school, and to see that *all* the requirements of this resolution *are faithfully* complied with on the part of the teachers, under a penalty of double the price of each volume; and the question being thereon, Mr. Meares moved the same be laid upon the table, and this question was put, and

Decided in the affirmative—Yeas, 75

Nays, 33

On motion of Mr. Meares,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dortch, Dula, Faison, Farrow, Foy, Gaither, of D., Gaither, of I., Gardener, Gatling, Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Holdscaw, Hutchins, Kirby, Leak, Lewis, Lyon, McCotter, Masten, Meares, Moore, of C., Moore, N. H., Morgan, Mordecai, Newby, Norman, Norwood, Purdie, Reagan, Reeves, Sanders, Scales, Shaw, Simonton, Smallwood, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Ward, Watters, Whitfield, Wilson, Williams and Windley.

And the following in the negative, viz:

Messrs. Bridgers, Bryan, of C., Caldwell, of B., Caldwell, of G., Clapp, Craven, Dockery, Drake, Eller, Fagg, Ferebee, Fries, Gentry, Green, of C., Green, of F., Higgins, Jones, of C., Jones, of O., Leffers, Long, Love, McKay, Martin, Morehead, Outlaw, Pritchard, Roney, Sherrill, Simpson, Smith, Sparrow, Walker and Woodfin.

Messrs. Norwood, Speer, Jones, of O., and Scales having changed their votes.

So the resolution was laid upon the table.

On motion of Mr. Ransom,

The House reconsidered the vote by which the bill (No. 516) to amend the charter of the Petersburg and Roanoke Railroad Company, had passed the third reading; and he then offered a substitute therefor, which being adopted, the bill again passed the third reading, and was ordered to be engrossed and sent to the Senate for concurrence.

The House then resumed the consideration of the bill (394) to amend the charter of the Western North-Carolina Railroad Company.

The question being "shall this bill pass the third reading?"

Mr. Caldwell, of Burke, offered the following amendment:

Strike out the words "&c., as in section 2d of the original bill," in the 4th and 5th lines of section 4, and insert "or upwards."

Strike out "preceding" in the 7th and 14th lines of section 6, and insert in lieu thereof "fourth."

And they were adopted.

Mr. Baird offered the following amendment:

Strike out the fourth and sixth sections.

And the question thereon was put, and

Decided in the negative—Yeas, 43

Nays, 60

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Bridgers, Byrd, Caldwell, of G., Cox, of J., Craven, Dancy, Dortch, Drake, Fagg, Faison, Foy, Fries, Gaither, of I., Gatling, Green, of F., Hall, of R., Hill,

of S., Holdsclaw, Kirby, Leffers, Long, Love, Meares, Mordecai, Ransom, Reeves, Roney, Scales, Shaw, Sherrill, Simonton, Speight, Stanford, Thompson, Walker, Ward, Waters, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Barbee, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Clapp, Costner, Cox, of P., Dickson, Dula, Farrow, Ferebee, Gaither, of D., Gardener, Gentry, Green, of C., Hall, of W., Hargrove, Harrington, Henry, Hester, Higgins, Hutchins, Jones, of C., Jones, of O., Leak, Lewis, Lyon, McCotter, McKay, Martin, Masten, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norwood, Ontlaw, Pritchard, Purdie, Reagan, Simpson, Sanders, Smallwood, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Wallace, Walser, Watson and Windley.

Mr. Lewis voted after the roll was called.

Mr. Hill, of H., paired off with Mr. Burke; Mr. Kerr with Mr. Dargan; Mr. Moore, of M., with Mr. Fleming.

The question recurring,

Mr. Meares offered the following amendment:

Strike out the words "with fifteen per cent. added thereto," in the 15th line of section 1.

Strike out the words "and fifteen per cent. over and above," in the 4th line of section 2.

And it was not adopted.

Mr. Dula moved to amend as follows:

Strike out in the 3d line of section 4 the word "six" and insert in lieu thereof the word "twelve."

And it was not adopted.

The question again recurred, when

Mr. Williams moved the bill and amendments be referred to the committee on internal improvements, to which motion

Mr. Jones moved to add as follows:

With instructions to report by to-morrow night at 7 P. M. Pending which,

Mr. Bullock moved to lay the bill upon the table, and the

question being thereon, and the yeas and nays ordered, the hour for the adjournment arrived, and

The House adjourned.

FRIDAY, FEBRUARY 11, 1859.

Mr. Hutchins presented a recommendation of justices for the county of Wake.

Mr. Moore, of Chatham, presented a recommendation of justices for Chatham county.

Mr. Purdie a recommendation for the county of Bladen.

Ordered, To be sent to the Senate.

The following resolutions were introduced, passed the first reading or were rejected, and other proceedings as follows, viz :

By Mr. Sparrow : a resolution (612) to provide for the debts of the Tar river improvement.

By Mr. Hutchins : a resolution (613) in favor of Henry D. Turner. Claims.

By Mr. Caldwell, of Guilford : a resolution (614) concerning escheats and Hawks' History.

By Mr. Sparrow : a resolution (615) concerning Ocracoke inlet.

By Mr. Benbury : a resolution (616) as follows :

Resolved, That if a bill which has passed the Congress of the United States should become a law, distributing among the several States a portion of the public lands, for the use of agricultural colleges of the respective States, then that the Governor be instructed and power is hereby given to him to receive for and in the name of the State of North-Carolina, such portion as may be allotted to it as its share.

And upon the question of its passage the first reading, he moved the yeas and nays be ordered.

Mr. Moore, of Martin, moved that the rule be suspended and the resolution read the second time. Mr. Williams and Mr. Moore, of Martin, simultaneously, that the same be laid upon the table.

The Speaker said that it was competent to move for the yeas and nays upon the passage of the bill the first reading, and that no other motion except to reject was in order pending that motion, and he proceeded to put the question "shall this resolution pass the first reading?" and it was

Decided in the negative—Yeas, 48

Nays, 53

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Bryson, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of P., Dockery, Eller, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Gardener, Green, of C., Harrington, Henry, Leak, Love, Lyon, McCotter, McKay, Martin, Meares, Morehead, Morgan, Newby, Norwood, Outlaw, Pritchard, Purdie, Ripley, Roney, Sanders, Shaw, Simonton, Smith, Sparrow, Speer, Stephens, Tomlinson, Thornburg, Walker, Walser, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Byrd, Costner, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Faison, Foy, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hill, of S., Holdscaw, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Masten, Moore, of C., Moore, of M., Norman, Reagan, Reeves, Scales, Sherrill, Simpson, Smallwood, Speight, Stanford, Thompson, Ward, Watson, Whitfield, Wilson and Williams.

Mr. Watters voted after the roll was called.

Mr. Pritchard changed his vote.

Messrs. Bryan, of C., and Foy obtained leave to vote after roll-call.

Mr. Hill, of S., changed his vote.

Mr. Brummell was refused leave to vote after roll-call.

By Mr. Love : a resolution (617) for the purchase of a map.

By Mr. Walser : a resolution (618) in favor of E. D. Hampton.

By messages from the Senate, the House were informed

that the Senate agreed to print Mr. Green's minority report upon the North-Carolina Railroad; also, in the proposition to print the resolutions concerning the Atlantic and North-Carolina Railroad Company, and refused to concur in holding an election for trustees of the University at 10 o'clock this day.

On motion of Mr. Watson,

The House considered the bill (467) to appoint a tax collector for Robeson.

The question being "shall the bill pass the third reading?"

Mr. Watson offered a substitute which was adopted.

Mr. Purdie moved that the county of "Bladen" be added, and Mr. Bryan the county of "Craven;" and they were adopted.

The bill, so amended, passed the third reading; and the title being amended accordingly,

Ordered, To be engrossed and sent to the Senate.

The House then having resumed the unfinished business of yesterday being the bill (H. 394) to amend the charter of the Western N. C. Railroad Company; the question pending, being the motion of Mr. Bullock to lay the same upon the table, and the motion being withdrawn, Mr. Williams moved to strike out all after the enacting clause and insert a substitute as follows, viz:

1. *Be it enacted*, That an act entitled, "an act to incorporate the Western North-Carolina Railroad Company, passed at the session of 1854-'55, and an act amendatory thereof, passed at the session of 1856-'57, entitled an act to amend an act entitled, an act to incorporate the Western N. C. Railroad Company, be and the same are hereby, so altered and amended as to authorize and empower the board of directors of said company, to open books for subscription of stock by individuals and counties to the capital stock of said company, for an amount sufficient to complete the road from Morganton to the French Broad river, near Asheville, which amount shall be according to the engineer's estimates therefor, which estimates shall be submitted under oath to the president and directors of said company.

2. *Provided further*, That when one third of the sum ne-

cessary to complete the said road from Morganton to the French Broad river, near Ashville, estimated by the estimates of the engineer heretofore made, shall be subscribed by solvent individuals, corporations and counties, to the stock of said company, and five per centum thereon paid into the treasury of said company in cash, the board of internal improvements shall and they are hereby authorized to subscribe on the part of the State, the other two thirds which shall be paid in the manner prescribed in said charter, for the payment of stock for the first section of said road. *Provided however,* That the State shall not be required to pay more than fifty thousand dollars of said subscription during the year 1859, nor more than two hundred thousand dollars during the year 1860, and for each year thereafter, a sum not exceeding three hundred thousand dollars, until the bed of said road from Morganton to the French Broad river near Asheville is graded and ready for iron to be laid down.

3. *Be it further enacted,* That said railroad shall be let to contract in continuous sections—commencing at Morganton, at prices not exceeding ten per cent over and above the estimated cost made by the engineer, to be added on his estimates, made as in section 1st of this act, and no part of the same shall be let unless the whole can be put under contract in continuous sections at the same time.

4. *Be it further enacted,* That in case the subscriptions heretofore made to the stock of said company by the county of Burke shall be declared void by the judicial authorities of the State, a new subscription to the same amount to take its place shall be raised and secured, and the required instalments thereon paid, before the State shall be called on to make further subscriptions or payments on subscriptions heretofore made.

5. *Be it further enacted,* That if there shall be an unexpended balance of the amount pledged by the State after said road is put under contract, and a sufficient amount reserved to equip the same to its present terminns on the French Broad river, then it shall be lawful for the board of directors of said company, upon further subscriptions being

made by individuals or counties as hereinbefore prescribed, to again let out contracts on said road in the manner hereinbefore designated to the line of the State of Tennessee, in the direction of Chatanooga, or down the French Broad river in the direction of Paint Rock, as to said board of directors may seem best: *Provided, however,* That no greater portion of said road shall be put to contract than can be constructed, equipped and put in full operation with the amount of the unexpended balance already pledged by the State, and the amount subscribed by individuals and counties in pursuance of this act.

6. *Be it further enacted,* That in estimating the cost of grading said road from Morganton to the French Broad river near Asheville, and laying the same with iron, the engineer shall, in addition thereto, estimate and report the same as in the 1st section of this act, the cost of equipping and putting in full operation the said road, and the said contracts shall be let out in accordance with the estimates so made, so that said road shall not be let out to contract as provided in section 3d of this act, any greater distance from Morganton than the amount subscribed by individuals, counties and the State will construct, equip and put in full operation.

7. *Be it further enacted,* That all the certificates required to be made by the president and treasurer, that one-third of the estimated cost required to complete any section has been subscribed by solvent individuals and corporations, and five per cent. paid thereon in cash, shall be made under oath, and the board of internal improvements may and shall, if they have any doubt before they subscribe to the capital stock of said company, ascertain that the subscriptions made by individuals and corporations are legally binding upon them, that the persons and corporations making the same are solvent, and that the cash payments have been *bona fide* made; and to enable them to do so shall have power to subpoena and examine witnesses on oath.

8. *Be it further enacted,* That the payments of the instalments due from the State on subscriptions made under and

by virtue of this act, shall be made in the manner and upon the terms now prescribed in the charter of said company.

9. *Be it further enacted*, That a general meeting of the stockholders of said company may be held to consider the foregoing amendments immediately after the ratification of this act, and the same shall be in force and take effect so soon as said company shall certify to the board of internal improvements their acceptance of the same; *Provided*, That if for any cause the said company should be unable to avail themselves of the provisions of this act, then, and in that case, they may proceed under their charter as heretofore adopted, and enjoy all the rights and privileges of the same.

Mr. Caldwell, of Burke, rose to a point of order, and stated his point to be, that as the House had refused to strike out the 4th and 6th sections of the present bill, it was not in their power now to adopt Mr. Williams' amendment, which proposed to strike out all after the enacting clause, and therefore included the 4th and 6th sections.

The Chair ruled that the point of order was not well taken, as the coherence proposed to be stricken out was so substantial as to make this a different proposition from that to strike out the 4th and 6th sections of the bill.

From this decision Mr. Caldwell, of B., appealed, and the question being, "shall the decision of the Speaker stand as the judgment of the House?" was put, and

Decided in the affirmative—Yeas,102

Nays, 1

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Byrd, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Dancy, Dickson, Dockery, Dortch, Drake, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hill, of S., Hester, Hill, of H., Higgins, Holdsclaw, Hutchins,

Jones, of C., Kerr, Kirby, Leak, Leffers, Lyon, Lewis, Long, Love, McCotter, Masten, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speer, Speight, Stanford, Stephens, Tomlinson, Thompson, Thornburg, Waddill, Walker, Wallace, Walser, Ward, Waters, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Caldwell, of B.; Cox, of P., and Mr. Morgan, who had also voted in the negative having changed their votes.

The question then being upon the substitute of Mr. Williams, Mr. Fries offered the following amendment thereto :

Be it further enacted, That the board of internal improvements shall have satisfactory evidence before them, that the entire cost of the road from Salisbury to the French Broad, with a full equipment, shall not exceed the amount of six millions of dollars, to be raised by subscription : two millions by individuals and corporations, and four millions by subscription of the State, as pledged in the original charter.

And it was adopted.

The question recurred, and was put and

Decided in the affirmative—Yeas, 50

Nays, 47

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bridgers, Bryan, of N. H., Bryson, Byrd, Caldwell, of G., Clapp, Costner, Dancy, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Fries, Gatling, Green, of F., Hall, of R., Hall, of W., Harrington, Hill, of S., Higgins, Holdselaw, Jones, of C., Kirby, Leffers, Love, Masten, Meares, Moore, of C., Moore, of M., Moore, of N. H., Norman, Ransom, Ripley, Shaw, Sherrill, Speight, Stanford, Thompson, Walker, Walser, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Brummell, Bryan, of C., Bullock, Burns, Caldwell, of B., Chambers, Cox, of P., Dickson, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gardener, Gentry, Green, of C., Hargrove, Henry, Hester, Jones, of O., Lewis, Lyon, McCotter, McKay, Martin, Morehead, Morgan, Newby, Norwood, Outlaw, Purdie, Reagan, Sanders, Scales, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Stephens Tomlinson, Thornburg, Wallace, Ward, Watters and Windley.

Messrs. Brummell and Stanford voted after the roll was called.

Mr. Thornburg changed his vote.

Mr. Reeves was refused leave to vote.

Mr. Bryan, of New Hanover, offered the following amendment to the bill :

Provided, That nothing in this act shall be so construed as to pledge the State to a greater amount of subscription to said road than the unexpended balance of the four millions of dollars heretofore appropriated to the Western Extension of the North-Carolina Railroad.

And it was adopted.

Mr. Meares offered the following amendment :

Be it further enacted, That this act shall not go into operation until the Greenville and French Broad river have released, in due legal form, to the State of North-Carolina the right to construct that part of the road between Asheville and the South-Carolina line.

The question thereon was put, and

Decided in the affirmative—Yeas, 51

Nays, 47

On motion of Mr. Morehead,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Baxter, Bridgers, Bryan, of N. H., Bryson, Burke, Chambers, Costner, Cox, of J., Dancy, Dickson, Dockery, Dortch, Drake, Faribault, Fries, Gardener, Green, of F., Hall, of R., Hall, of W., Hester, Hill, of H., Hutchins, Jones, of C., Jones, of O., Leffers, Long, Love, Masten, Meares, Mordecai, Norman, Norwood, Outlaw,

Purdie, Reeves, Roney, Sanders, Smallwood, Speight, Sparrow, Stephens, Tomlinson, Thompson, Walker, Wallace, Waters, Whitfield, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baird, Brummell, Bryan, of C., Bullock, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Cox, of P., Craven, Eller, Fagg, Faison, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gatling, Green, of C., Hargrove, Harrington, Henry, Hill, of S., Higgins, Holdselaw, Lyon, McCotter, McKay, Martin, Morehead, Morgan, Newby, Pritchard, Reagan, Ripley, Scales, Shaw, Sherrill, Simonton, Smith, Speer, Taylor, Thornburg, Waddill, Walser and Woodfin.

Messrs. Baird, Simonton, Drake, Ripley, Higgins and Fagg respectively changed their votes from the affirmative.

Mr. Hall, of Rowan, voted after the roll was called.

And this amendment being adopted, the question recurred "Shall this bill pass the third reading?" and was put, and

Decided in the negative—Yeas, 31

Nays, 74

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bryan, of C., Bryson, Burke, Byrd, Caldwell, of G., Dula, Eller, Fagg, Fries, Gaither, of I., Hall, of R., Higgins, Holdselaw, Leffers, Love, McKay, Martin, Meares, Morehead, Mordecai, Ransom, Roney, Shaw, Sherrill, Simonton, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Caldwell, of B., Chambers, Clapp, Cox, of J., Cox, of P., Craven, Dancy, Dickson, Dockery, Dortch, Drake, Faison, Faribault, Farrow, Ferebee, Foy, Gaither, of D., Gardener, Gatling, Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of H., Hill, of S., Hutchins, Jones, of C., Kirby, Lewis, Long, Lyon, McCotter, Masten, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Reagan, Reeves, Sanders, Scales, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stan-

ford, Stephens, Taylor, Tomlinson, Thompson, Thornburg, Waddill, Wallace, Walser, Watters, Watson, Whitfield, Wilson and Windley.

Messrs. Dortch, Hall, of W., Stanford, Eller and Masten changed their votes before the result was announced.

Messrs. Thompson, Reeves, Gaither, of L., and Clapp voted after the roll was called.

A message was received from the Governor by the hands of Graham Daves, Esq., his private secretary, in reply to the resolutions of the House adopted yesterday, and read.

Persuant to special order the House considered the bill (461) to amend the charter of the Greenville and French Broad Railroad Company, and the bill being read, Mr. Bridgers offered the following amendment:

"The State reserving the right to connect one or more railroads on terms of equality and without discrimination on travel or freights; and any road so connected, shall make no discriminations against the said Greenville and French Broad Railroad.

And it was adopted, and the question being, shall the bill so amended pass the second reading?

The House adjourned.

NIGHT SESSION—FRIDAY, FEBRUARY 11, 1859.

The House resumed the consideration of (No. 461) the bill to amend the charter of the Greenville and French Broad Railroad Company; and pending the question, Mr. Bryson offered the following amendment:

"*Provided however*, That before this change of the charter of the French Broad and Greenville Company shall be in force or take effect, the Wilmington, Charlotte and Rutherford Railroad Company, and the Western North-Carolina Railroad Company, shall, by a vote of a majority of the stockholders in each company, assent to the change of gauge from Asheville to the North-Carolina line."

Pending which, Mr. Moore, of Martin, moved the bill and

amendment be laid upon the table; this question was put, and

Decided in the negative—Yeas, 25
Nays, 72

On motion of Mr. Moore, of Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Blount, Bryson, Caldwell, of B., Cox, of J., Craven, Diekson, Dula, Fries, Gaither, of I., Gardener, Hutehins, Jones, of C., Jones, of O., Leffers, Meares, Moore, of M., Morgan, Sherrill, Simonton, Stephens, Thompson, Walker, Ward, Watson and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bulloek, Burns, Burke, Byrd, Caldwell, of G., Clapp, Cox, of P., Daney, Doekery, Drake, Fagg, Faison, Faribault, Farrow, Ferebee, Gaither, of D., Gatling, Gentry, Green, of C., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Kerr, Leak, Lewis, Long, Lyon, McCotter, McKay, Masten, Morehead, Mordecai, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Seales, Shaw, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Taylor, Tomlinson, Waddill, Wallace, Whitfield, Wilson, Williams and Woodfin.

Messrs Cox, of Pitt, and Benbury voted after the roll was called.

Mr. Wilson changed his vote before the result was announced.

Pending the amendment Mr. Gaither, of Iredell, offered the following, viz :

Be it further enacted, This act shall go into effect when the Western North-Carolina railroad shall release the State of its pledge to extend the road to Asheville, the State's subscription shall only extend to Morganton.

The question upon which being put,

Resulted as follows—Yeas, 18
Nays, 76

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Bryson, Caldwell, of B., Cox, of J., Dickson, Gaither, of I., Gentry, Martin, Meares, Moore, of M., Morgan, Sherrill, Sparrow, Speer, Stephens, Walker, Ward and Watters.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burns, Burke, Caldwell, of G., Chambers, Clapp, Cox, of P., Dancy, Dockery, Dortch, Drake, Fagg, Faison, Faribault, Farrow, Foy, Fries, Gaither, of D., Gardener, Gatling, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of H., Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leak, Long, Lyon, McCotter, McKay, Masten, Morehead, Mordecai, Newby, Norman, Norwood, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smith, Speight, Stanford, Taylor, Thompson, Thornburg, Waddill, Wallace, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

Mr. Hall, of Warren, voted after the roll was called.

Mr. Gentry voted after the roll was called.

The question upon the amendment of Mr. Bryson was then put and

Decided in the negative—Yeas, 17

Nays, 74

On motion of Mr. Morehead,

The yeas and nays being ordered; the following voted in the affirmative, viz.

Messrs. Bryson, Caldwell, of B., Dickson, Dula, Eller, Faribault, Farrow, Gaither, of I., Gardener, Higgins, Hutchins, Meares, Moore of M., Pritchard, Thornburg, Ward and Watson.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burns, Burke, Byrd, Caldwell, of G., Clapp, Dancy, Dockery, Drake, Fagg,

Foy, Fries, Gaither, of D., Gatling, Gentry, Green, of C., Hall, of W., Hargrove, Harrington, Hester, Hill, of H. Hill, of S., Jones, of C., Jones, of O., Kerr, Kirby, Leak, Lewis, Long, Lyon, McCotter, McKay, Martin, Masten, Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simon-ton, Simpson, Smith, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thompson, Waddill, Wallace, Watters, Whitfield, Wilson, Williams, Windley and Woodfin.

Messrs. Kerr and Ransom voted after the roll was called.

Mr. Simonton changed his vote from the affirmative.

Mr. Ward offered the following amendment:

Strike out all after the enacting clause, and insert "That the act incorporating the Western North-Carolina Railroad Company, passed in 1854-'55, be so amended that as soon as one-third of the amount necessary to complete said road from its present terminus to the French Broad river, as estimated by J. C. Turner, engineer of the company, shall be subscribed by solvent individuals, counties or corporations, which subscription shall be certified by the oaths of the directors of said company, and that five per centum thereof has been paid to the treasurer of the company, as provided in the original charter of said company, the subscription of the other two-thirds of said estimated amount shall be subscribed by the public treasurer, according to the terms prescribed in the original charter of said company, and the instalments on the capital stock shall be paid in according to the terms prescribed in the original charter: *Provided*, No portion of said road shall be put to contract, till the amount of stock necessary to complete the same to the French Broad river has been subscribed as aforesaid: *And provided further*, That no more than \$50,000 shall be paid by the State in 1859, \$100,000 in 1860, and \$300,000 annually thereafter, till the whole is graded.

Which being read Mr. Fagg rose to a point of order, and stated his point to be, that the amendment proposed by Mr. Ward was to another bill not now under consideration, to wit:

Bill (394) to amend the charter of the Western North-Caro-

lina Railroad Company, which had been rejected this morning, and besides, it was in substance the same proposition which had been already offered by Mr. Williams and rejected. The Speaker ruled the point of order well taken, from which decision Mr. Ward appealed, and the yeas and nays being ordered, the question pending, "shall the decision of the chair stand as the judgment of the House?" the hour for the adjournment arrived,

And the House adjourned.

SATURDAY, FEBRUARY 12, 1859.

Mr. Simonton presented the memorial of R. F. Campbell and others, concerning a public road from Wilkesboro' to Statesville. Referred to the committee on propositions and grievances.

Mr. Williams moved that a message be sent to the Senate, proposing to proceed forthwith to elect ten trustees of the University.

Mr. Gaither, of Iredell, moved that the same be laid upon the table,

And the same was adopted.

Mr. Simpson presented the recommendation of certain persons as justices of the peace in the county of Rockingham.

Mr. Williams moved that a message be sent to the Senate, proposing to proceed at 12 o'clock, to elect ten trustees of the University; and upon that question he moved the yeas and nays be ordered.

Mr. Outlaw moved the question be laid upon the table.

The question thereon was put, and

Decided in the negative—Yeas, 33

Nays, 57

On motion of Mr. Williams,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Cald-

well, of G., Chambers, Clapp, Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of I., Gardener, Green, of C., Henry, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Pritchard, Purdie, Ripley, Simonton, Smallwood, Speer, Taylor, Thornburg, Waddill, Walser and Ward.

And the following in the negative, viz :

Messrs. Badham, Baird, Bryson, Bullock, Burke, Byrd, Cox, of J., Dancy, Dickson, Drake, Dula, Fagg, Faison, Faribault, Foy, Fries, Gaither, of D., Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones of C., Leffers, Lewis, Love, Lyon, McKay, Masten, Meares, Moore, of C., Norman, Norwood, Ransom, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Simpson, Speight, Stanford, Stephens, Tomlinson, Thompson, Walker, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

Messrs. Walker and Fagg changed their votes from the affirmative.

The question recurring,

Mr. Ferebee moved the same be indefinitely postponed ; and the question thereon was put, and

Decided in the negative—Yeas, 22

Nays, 71

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Clapp, Craven, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, Martin, Morehead, Morgan, Newby, Outlaw, Simonton, Taylor, Thornburg, Waddill and Walser.

And the following in the negative, viz :

Messrs. Badham, Baird, Blount, Bridgers, Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of G., Chambers, Cox, of J., Dancy, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Fries, Gardener, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Masten, Moore, of C., Moore, of M., Mordecai,

Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

Mr. Martin moved to amend as follows, viz :

Strike out, etc., and insert "to-night at 8 P. M.;" and he moved the yeas and nays be ordered thereon.

Pending which, Mr. Outlaw moved the same be laid upon the table; and this question was put, and

Decided in the negative—Yeas, 24

Nays, 69

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Benbury, Brummell, Burns, Caldwell, of B., Chambers, Clapp, Craven, Dockery, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Henry, McCotter, Morehead, Morgan, Newby, Outlaw, Simonton, Thornburg, Waddill and Walser.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Blount, Bridgers, Bryson, Bullock, Burke, Cox, of J., Dancy, Dickson, Dortch, Drake, Dula, Fagg, Faison, Faribault, Foy, Fries, Gardener, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Leffers, Lewis, Lyon, McKay, Masten, Meares, Moore, of C., Moore, of M., Mordecai, Norman, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

Mr. Faribault voted after the roll was called.

The question being now upon the amendment of Mr. Martin, the same was, after debate, withdrawn.

And the question recurring upon the original proposition, was put and decided in the affirmative, and the message was sent accordingly.

On motion of Mr. Simpson,

Mr. Byrd was excused from further attendance from and after Tuesday next.

Mr. Kirby offered the following resolution :

Resolved, That from and after to-day, no member shall be permitted to speak longer than ten minutes at any one time without unanimous consent.

Laid over one day under the rule.

Mr. Scales presented a recommendation of certain persons as justices of the peace for the county of Rockingham.

Ordered, To be sent to the Senate.

On motion of Mr. Jones, of Orange,

Leave was granted for the withdrawal of the bill (606) to charter the Kittrell Springs Company.

The bill was handed to Mr. Jones.

Bills, etc., of the following titles being introduced passed the first reading, or were rejected, and other proceedings had as follows, viz :

By Mr. Fries : a bill (619) to charter the Cape Fear and Deep River Navigation Company. Internal improvements.

By Mr. Watson : a bill (620) to suppress vice and immorality.

By Mr. Faribault : a bill (621) to charter Buffaloe Male and Female Academy.

By Mr. McKay : a bill (622) to charter the Cape Fear Toll Bridge Company.

By Mr. Dockery : a bill (623) to provide for a convention of the people, which did not pass the first reading.

By Mr. Harrington : a bill (624) to extend the powers of the town of Fayetteville.

S. 625, an engrossed bill from the Senate, to repeal an act, concerning a public road in Davie and Davidson.

S. R. 626, an engrossed Senate resolution concerning the Dredge Boat in New River.

By Mr. Reeves : a resolution (627) in favor of old soldiers.

The bill (623) being read and the question put, shall this bill pass the first reading, Mr. McKay moved the same be rejected, and this question was put, and

Decided in the affirmative—Yeas, 62
Nays, 33

On motion of Mr. Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Blount, Bridgers, Bryan, of N. H., Bullock, Burns, Burke, Byrd, Cox, of J., Dancy, Dickson, Dortch, Drake, Faribault, Farrow, Ferebee, Foy, Fries, Gardener, Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Holdsclaw, Hutchins, Jones, of O., Kirby, Leffers, Lewis, Lyon, McKay, Masten, Moore, of M., Mordecai, Norman, Norwood, Outlaw, Pritchard, Reagan, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Simpson, Smallwood, Smith, Speight, Stanford, Stephens, Tomlinson, Thompson, Wallace, Ward, Watters, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baird, Benbury, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dockery, Dula, Eller, Fagg, Gaither, of D., Gaither, of I., Green, of C., Henry, Higgins, Martin, Meares, Morehead, Morgan, Newby, Purdie, Simonton, Speer, Taylor, Thornburg, Waddill, Walker, Walser, Windley and Woodfin.

Mr. Whitfield was refused leave to vote.

A message was received from the Senate that they did not concur in the proposition to proceed to the election of trustees at 12 o'clock; concurring in the House amendments to the Senate bill to charter the Western North-Carolina Railroad Company, and transmitting certain engrossed bills and resolutions, which were entered upon the calendar.

On motion of Mr. Morehead,

The message of the Governor in reply to the resolution of the House with regard to the North-Carolina and Atlantic Railroad Company, was taken from the table and sent to the Senate with a proposition to print.

The House then resumed the consideration of

H. 461, to amend the charter of the Greenville and French Broad Railroad Company, the pending question being upon the appeal taken by Mr. Ward, from the decision of the chair.

The Speaker said that on giving the amendment a closer examination than he had had an opportunity of doing during the sitting of yesterday he had discovered that it differed from the rejected amendment in several particulars; he would therefore suffer the amendment to be put to the House, and the question being upon the same, Mr. Ward withdrew the amendment, and the bill passed the second reading.

Mr. Dortch moved the House reconsider the vote by which the House had yesterday rejected the bill (394) to amend the charter of the Western North-Carolina Railroad Company.

Mr. Outlaw moved the same be laid upon the table, and this question was put, and

Decided in the negative—Yeas, 39

Nays, 55

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bridges, Bryan, of N. H., Bullock, Caldwell, of B., Chambers, Craven, Dancy, Farrow, Ferebee, Gardener, Gentry, Hargrove, Harrington, Henry, Hester, Hill, of S., Lewis, Lyon, McCotter, Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Reeves, Ripley, Sanders, Smallwood, Smith, Speer, Speight, Stephens, Tomlinson, Thornburg and Watters.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Brummell, Bryson, Burke, Byrd, Caldwell, of G., Clapp, Cox, of J., Dortch, Drake, Dula, Eller, Fagg, Faribault, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Green, of F., Hall, of R., Higgins, Holdsclaw, Hutchins, Jones, of C., Kerr, Leffers, Love, McKay, Martin, Masten, Meares, Moore, of C., Morehead, Mordecai, Pritchard, Ransom, Roney, Shaw, Sherrill, Simonton, Simpson, Stanford, Thompson, Walker, Wallace, Walser, Ward, Watson, Whitfield, Wilson, Williams and Woodfin.

Mr. Stanford voted after the roll was called.

Messrs. Gaither, of Iredell, and Whitfield changed their votes.

The House having refused to lay the question upon the

table, it recurred, and was put as follows: "Shall the House reconsider the vote rejecting the amended charter of the Western North-Carolina railroad company?" and

Decided in the affirmative—Yeas, 52

Nays, 48

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Brummell, Bryson, Burke, Byrd, Caldwell, of G., Clapp, Cox, of J., Dockery, Dortch, Dula, Eller, Fagg, Faribault, Flemming, Foy, Fries, Gaither, of I., Green, of F., Hall, of R., Higgins, Holdslaw, Hutchins, Jones, of C., Leffers, Love, McKay, Martin, Masten, Meares, Morehead, Mordecai, Pritchard, Ransom, Roney, Shaw, Sherrill, Simonton, Simpson, Stanford, Thompson, Walker, Wallace, Walser, Ward, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Blount, Bridgers, Bryan, of N. H., Bullock, Burns, Caldwell, of B., Chambers, Craven, Dancy, Dickson, Drake, Farrow, Ferebee, Gaither, of D., Gardener, Gentry, Hargrove, Harrington, Henry, Hester, Hill, of S., Kerr, Lewis, Lyon, McCotter, Moore, of C., Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Reeves, Sanders, Scales, Smallwood, Smith, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Watters, Watson and Windley.

Messrs. Kerr, Drake and Stanford voted after roll-call.

The question recurring "shall this bill pass the third reading?"

On motion of Mr. Fagg,

Ordered, That the same be postponed and made a special order for Monday next at 11 o'clock.

On motion of Mr. Stanford,

Ordered, That the amendment of Mr. Williams be printed.

A message was received from the Governor, transmitting certain resignations of justices of the peace, which were ordered to be sent to the Senate.

The House considered the special order, viz :

H. 596, the bill to charter the Bank of Lexington, when it being near the hour for the adjournment,

On motion of Mr. Walser,

The same was postponed until Monday next at 8 o'clock, P. M.,

And then the House adjourned.

MONDAY, FEBRUARY 14, 1859.

The House resumed the consideration of the resolution offered by Mr. Kirby upon yesterday.

Mr. Dancy moved the same be laid upon the table, and the question thereon was put, and

Decided in the negative—Yeas, 26

Nays, 51

On motion of Mr. Dancy,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Caldwell, of G., Chambers, Clapp, Dancy, Drake, Foy, Henry, Higgins, Kerr, Love, McKay, Martin, Moore, of C., Moore, of M., Morehead, Newby, Outlaw, Pritchard, Ransom, Speer, Walker, Ward, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Blount, Brummell, Bryan, of N. H., Bryson, Bullock, Burke, Byrd, Costner, Cox, of J., Craven, Eller, Fagg, Farrow, Fries, Gaither, of I., Gentry, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hester, Hutchins, Leak, Leffers, Lewis, Lyon, McCotter, Moore, of N. H., Morgan, Purdie, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Simpson, Smallwood, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Wallace, Walser, Watters, Whitfield, Wilson and Williams.

Messrs. Kerr, Caldwell, of Guilford, and Moore, of New Hanover, changed their votes.

Mr. Williams voted after the roll was called, and Mr. Wilson.

Mr. Hill, of Halifax, asked and was refused leave to vote.

The question recurred, "shall this resolution be adopted;" and the same being put, was

Decided in the negative—Yeas, 37

Nays, 41

On motion of Mr. Roney,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Blount, Bryan, of N. H., Bullock, Burke, Costner, Cox, of J., Farrow, Gaither, of I., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdsclaw, Leffers, Lewis, Lyon, McCotter, Masten, Moore, of N. H., Morgan, Purdie, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Stanford, Stephens, Taylor, Tomlinson, Wallace, Walser and Whitfield.

And the following in the negative, viz :

Messrs. Badham, Benbury, Bryson, Byrd, Caldwell, of G., Chambers, Clapp, Dancy, Drake, Dula, Eller, Fagg, Ferebee, Fleming, Foy, Gentry, Green, of C., Hall, of R., Henry, Hutchins, Jones, of C., Kerr, Love, Martin, Moore, of C., Morehead, Newby, Norman, Outlaw, Pritchard, Reagan, Simonton, Smallwood, Speer, Thornburg, Walker, Ward, Wilson, Williams, Windley and Woodfin.

Mr. Lyon changed his vote.

Mr. Holdsclaw voted after the roll was called.

The Speaker announced the following committees on enrolled bills, viz :

Messrs. Costner, Simpson, McKay, Henry and Fries; and Messrs. Hargrove, Norwood, Smith, Purdie and Williams.

The House considered the calendar when the following proceedings were had.

S. 324, bill to amend the Revised Code, chapter 119, title Wills and Testaments, the amendments proposed by the committee on the judiciary being first adopted; passed the third reading,

Ordered, That the amendments be engrossed and sent to the Senate.

H. 375, Mr. Hill's bill to prevent the passage of fish up Town Creek; passed the second and third readings.

Ordered, That the same be engrossed and sent to the Senate.

H. 396, Mr. Dortch's bill to prescribe the manner of appointing University trustees, did not pass the second reading.

H. R. Mr. Morehead's resolution in behalf of common schools.

The question being shall the resolution pass the second reading, Mr. Caldwell, of Guilford, offered the following amendment:

Resolved, That the board of literature be, and they are hereby instructed, to purchase of Dr. F. L. Hawks, for the use of each common school in the State, the first and second volumes of Hawks' History of North-Carolina, and, that the same be paid for out of any moneys that may hereafter arise from the escheated property of the State, and the secretary of the board of trustees of the University is hereby authorized and required to pay over all moneys arising from this source to the Rev. Francis L. Hawks, so soon as it may be procured, until a sum sufficient is realized to remunerate him for the books hereby authorized to be purchased.

And it was adopted, and then the question recurring it was put, and

Decided in the affirmative—Yeas, 74

Nays, 14

On motion of Mr. Harrington,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Benbury, Bryan, of N. H., Bryson, Burns, Byrd, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Dancy, Drake, Dula, Eller, Fagg, Faison, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of C., Green, of F., Hall, of R., Henry, Hester, Hill, of S., Higgins, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Love, McCotter, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan, Reeves, Ripley,

Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Speer, Speight, Stanford, Tomlinson, Thornburg, Walker, Walser, Watters, Whitfield, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Blount, Bullock, Farrow, Gardener, Gatling, Hall, of W., Hargrove, Harrington, Holdsclaw, Lyon, Morgan, Stephens, Ward and Wilson.

Mr. Kirby voted after the roll was called.

Mr. Gatling changed his vote.

And thereupon, by unanimous consent, the resolution was immediately engrossed and sent to the Senate.

A message was received from the Senate proposing, at 11 o'clock, to proceed to elect ten trustees of the University, which being concurred in, the Speaker appointed on the part of the House Messrs. Smith and Hargrove to superintend the election; pending which,

Messrs. Outlaw, Martin and Gaither, of Iredell, asked and were refused leave to vote.

An election was then held in the House for ten trustees, of the University, the result of which was not declared up to the hour of adjournment.

The House resumed, according to special order, H. 394, Mr. Caldwell's bill to amend the charter of the Western North-Carolina Railroad Company.

The question recurring, "shall this bill pass the third reading?" Mr. Caldwell, of Burke:

Be it further enacted, That if the stock authorized to be subscribed by the first section shall not be taken within six months after the acceptance of this charter, then whenever the sum of fifty thousand dollars, &c., as in section 2 of original bill.

And the question thereon was put, and

Decided in the negative—Yeas, 32

Nays, 55

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Burns, Byrd, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dula, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Harrington, Henry, Higgins, Jones, of O., Morehead, Newby, Norwood, Outlaw, Purdie, Sanders, Sherrill, Simonton, Simpson, Smith, Speer, Thornburg, Wallace, Watters and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Bridgers, Bryan, of N. H., Bullock, Burke, Costner, Cox, of J., Dancy, Drake, Eller, Fagg, Farrow, Fleming, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hargrove, Hester, Hill, of S., Holdselaw, Hutchins, Jones, of C., Kerr, Leffers, Lewis, Lyon, McKay, Masten, Moore, of M., Moore, of N. H., Norman, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Smallwood, Speight, Stanford, Stephens, Tomlinson, Walker, Ward, Watson, Whitfield, Williams and Woodfin.

Mr. Martin paired off with Mr. Dockery.

Mr. Reeves offered the following:

Be it provided, That the sum of ten thousand dollars be appropriated on the part of the State as additional and independent stock in the Yadkin Navigation Company, to be raised by the issue of State coupon bonds running thirty years, which bonds shall be handed to the president of said company by the public treasurer.

And it was not adopted.

The question was then put upon the passage of the bill, and

Decided in the negative—Yeas, 34

Nays, 55

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Barbee, Bryson, Byrd, Caldwell, of G., Cox, of J., Drake, Dula, Eller, Fagg, Fleming, Foy, Fries, Gaither, of I., Hall, of R., Hall, of W., Higgins, Holdselaw, Leffers, Love, McKay, Morehead, Ransom, Roney, Shaw, Sherrill, Simonton, Stanford, Walker, Wallace, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Caldwell, of B., Chambers, Costner, Craven, Dancy, Dickson, Farrow, Ferebee, Gaither, of D., Gatling, Gentry, Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of S., Jones, of C., Jones, of O., Lewis, Lyon, McCotter, Masten, Moore, of M., Morgan, Newby, Norman, Norwood, Outlaw, Purdie, Reagan, Reeves, Sanders, Scales, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Walser, Ward, Watters, Watson and Windley.

Messrs. Badham paired off with Gardener, Burke with Hill, of Halifax, Kerr with Dargan, Martin with Dockery.

Mr. Jones, of Craven, changed his vote.

Messrs. Lewis, Sparrow, Speer, Bryan, of N. H., Foy and Simpson voted after the roll was called.

Mr. Walser changed his vote.

Whereupon, Mr. Fagg moved the House do now suspend the rules, and the bill (461) to amend the charter of the Greenville and French Broad road put upon the third reading.

Mr. Chambers moved this question be laid upon the table, and the same was put, and

Decided in the negative—Yeas, 17

Nays, 63

On motion of Mr. Chambers,

The yeas and nays being ordered, the following voted in the affirmative, viz .

Messrs. Bryson, Chambers, Clapp, Faison, Ferebee, Fries, Gaither, of I., Hutchins, Jones, of O., Kirby, Leffers, Morgan, Sherrill, Simonton, Thornburg, Ward and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Burke, Costner, Caldwell, of G., Cox, of J., Dancy, Drake, Eller, Fagg, Farrow, Fleming, Gaither, of D., Gatling, Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Lewis, Lyon, McCotter, McKay, Masten, Moore, of C., Moore, of M., Morehead, Norman, Norwood, Purdie, Reagan, Ran-

som, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Stanford, Tomlinson, Wallace, Walser, Watson, Whitfield, Wilson, Williams and Woodfin.

Mr. Hargrove being absent on the business of the House voted after the roll was called.

Mr. Speer changed his vote.

Mr. Benbury voted after the roll was called.

The rule was thereupon suspended, and

On motion of Mr. Fagg,

The bill was read the third time, and the question put, "shall this bill pass the third reading?"

Pending which,

Mr. Sparrow reported from the committee on the Wilmington and Weldon Railroad investigation in writing; and the reading of the same being dispensed with,

On motion of Mr. Simonton,

The same was ordered to be sent to the Senate with a proposition to print.

Resuming the pending question,

Mr. Bryson offered the following amendment :

Be it further enacted, That any future legislature shall have the right to tax freight and passengers on said road.

Mr. Bridgers offered the following amendment thereto :

Provided, That the tax shall not be greater than that imposed on other railroads in North-Carolina.

And the question thereon was put, and

Decided in the negative—Yeas, 26

Nays, 64

On motion of Mr. Bryson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bridgers, Brummell, Bryan, of N. H., Bullock, Dancy, Dickson, Drake, Fagg, Faison, Hargrove, Harrington, Hester, Hill, of S., Lewis, Lyon, Norman, Norwood, Ripley, Shaw, Speight, Stanford, Walser, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Barbee, Benbury, Blount, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dula, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Henry, Higgins, Hutchins, Jones, of C., Kirby, Leffers, McCotter, McKay, Martin, Masten, Moore, of M., Morehead, Morgan, Mordecai, Newby, Norman, Outlaw, Purdie, Reagan, Reeves, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Stephens, Tomlinson, Thornburg, Walker, Wallace, Ward, Watters, Watson, Whitfield and Windley.

Messrs. Caldwell, of Guilford, Drake, Farrow, Norman, McCotter and Williams, changed their votes.

Mr. Bryan, of New Hanover, voted after the roll-call.

The question, then being put upon the amendment of Mr. Bryson, was

Decided in the affirmative—Yeas, 56

Nays, 31

On motion of Mr. Bryson,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Barbee, Benbury, Blount, Brummell, Bryson, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dickson, Faison, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Henry, Hester, Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, McCotter, McKay, Moore, of C., Moore, of M., Morehead, Newby, Outlaw, Purdie, Reagan, Roney, Sanders, Scales, Sherrill, Simonton, Smallwood, Sparrow, Stephens, Taylor, Tomlinson, Thornburg, Walker, Wallace, Ward, Watters, Watson, Wilson and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Bryan, of N. H., Bullock, Burns, Byrd, Cox, of J., Dancy, Drake, Fagg, Gatling, Gentry, Green, of F., Hargrove, Harrington, Hill, of S., Lyon, Martin, Masten, Moore, of N. H., Norwood, Reeves, Ripley, Shaw, Simpson, Speer, Speight, Stanford, Walser, Whitfield and Woodfin.

Mr. Blount voted after the roll was called.

Mr. Brummell changed his vote.

Mr. Speer voted after the roll was called.

Mr. Norwood changed his vote.

Mr. Newby changed his vote.

Mr. Fleming offered the following amendment :

SEC. 4. *Be it further enacted*, That in case the subscriptions heretofore made to the stock of said company by the county of Burke shall be declared void by the judicial authorities of the State ; a new subscription to the same amount to take its place shall be raised and secured, and the required instalments thereon paid before the State shall be called on to make further subscriptions or payments on subscriptions heretofore made. And it was adopted.

The question recurring upon the passage of the bill as amended,

Mr. Ward moved to strike out and insert the amendment reported on page 566 of the journal of the 11th February, and

On motion of Mr. Fries,

The question upon the motion to strike out was put first, and

Decided in the negative—Yeas, 29

Nays, 58

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Barbee, Blount, Bryson, Caldwell, of B., Caldwell, of G., Clapp, Dula, Faribault, Fleming, Foy, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Higgins, Hutchins, Jones, of C., Kirby, Leffers, Martin, Morehead, Sherrill, Simonton, Speer, Stanford, Walker, Ward, Watson and Williams.

And the following in the negative, viz :

Messrs. Badham, Baird, Bridgers, Brummell, Bryan, of N. H., Bullock, Burns, Byrd, Costner, Cox, of J., Craven, Dancy, Dickson, Drake, Fagg, Faison, Farrow, Ferebee, Fries, Gatling, Gentry, Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of S., Jones, of O., Lewis, Lyon, McCotter, McKay, Masten, Moore, of C., Morgan, Mordecai, Newby,

Norman, Norwood, Outlaw, Purdie, Ransom, Reeves, Ripley, Sanders, Shaw, Simpson, Smallwood, Sparrow, Speight, Stephens, Tomlinson, Thornburg, Walser, Watters, Whitfield, Windley and Woodfin.

The main question was then put, and

Decided in the negative—Yeas, 43

Nays, 46

On motion of Mr. Bryson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Bridgers, Brummell, Bryan, of N. H., Bullock, Byrd, Dancy, Drake, Eller, Fagg, Farrow, Gatling, Gentry, Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of S., Lewis, Lyon, McKay, Martin, Masten, Moore, of C., Newby, Norman, Norwood, Outlaw, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smith, Sparrow, Speight, Stanford, Tomlinson, Walser, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Blount, Bryson, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Cox, of J., Craven, Dickson, Dula, Faison, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Green, of C., Hall, of R., Hall, of W., Higgins, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Moore, of M., Morehead, Morgan, Mordecai, Pritchard, Purdie, Sanders, Sherrill, Simonton, Smallwood, Stephens, Thornburg, Walker, Ward, Watson, Whitfield and Windley.

Mr. Burke paired off with Mr. Hill, of Halifax.

Mr. Caldwell, of Guilford, voted after the roll was called.

Mr. Sparrow changed his vote.

Mr. Gatling voted after the roll was called.

Mr. Chambers voted after the roll was called.

Mr. Moore, of Chatham, changed his vote.

Mr. Williams changed his vote.

Mr. Tomlinson changed his vote.

The following message was received from the Senate.

IN SENATE, February 14, 1859.

MR. SPEAKER: The Senate proposes that this General Assembly shall adjourn *sine die*, on Thursday 17th, at 7 o'clock, A. M., and ask the concurrence of the House of Commons.

HENRY T. CLARK,

Speaker Senate.

By order:

JNO. HILL, *Clerk.*

And the question thereon was put, and the House concurred therein.

Mr. Bridgers filed the following notice:

I shall move to alter the time for holding sessions as follows: extend morning sessions until half after two, recess until half after three, session until seven, recess until half after seven, session until eleven.

On motion of Mr. Moore, of Chatham,

Ordered, That a message be sent to the Senate proposing to raise a joint select committee of ten on the part of the House, and five on the part of the Senate, to examine and report what further legislation if any, is advisable upon the subject of the Deep River.

A message was received from the Senate transmitting the House revenue bill, with the following amendments:

The amendments as are as follows, to wit:

1. In section 4th, 8th line, in the word bodies, strike out "ies" and insert "y." Accepted.

2. Strike out all of the 8th section. Accepted.

3. In schedule A, 15th paragraph, add to the end of the paragraph the clauses, viz: "On all gold headed canes, one dollar, on every silver headed cane fifty cents." Rejected.

4. In schedule A, 16th paragraph, line 6th, after the word "gospel," add the words, "and judges of the superior and supreme courts." Adopted.

5. In section 36, line 3d, after the word "color," add the words, "subject to taxation." Adopted.

6. In section 42, line 12, after the word "same" add the word "time." Adopted.

7. In schedule B, paragraph 11, line 1, after the word "stables," strike out the words "or places." Adopted.

8. In schedule B, paragraph 12, line 2d, after the word "liquors," add the clause "and every such retailer shall be required to obtain license under the same restrictions as retailers of spirituous liquors, in chapter 79, Revised Code." Rejected.

9. In schedule B, paragraph 24, line 1st, after the word "merchandise," add the words "either by land or water." In same paragraph, line 16, after the word "manufacture," strike out all of the remaining proviso until the figure "4" occurs in line 18. Adopted.

10. In same schedule, paragraph 25, line 1st, after the word "rods" strike out the words "or who shall sell riding vehicles." In same paragraph, at the end of the 5th line, add the following proviso, to-wit: "*Provided*, That any person shall be permitted to sell any spirituous liquors, wines or cordials made from products of his own, without paying the taxes aforesaid." Adopted.

11. In same schedule, paragraph 26, line 2d, after the word "by" strike out the words "telling fortunes." Adopted.

12. In same schedule and paragraph, line 2d, after the word "of" strike out the word "every" and insert "any." Adopted.

Add to the end of same paragraph the clause "and the sheriff or deputy shall return said tax on oath." Rejected.

13. In schedule C strike out the whole of the paragraph and insert the following, to-wit:

"That any foreign broker not a resident of the State shall pay to the cashier of the bank from which he draws any exchange or specie, one-quarter of one per cent. on all such sums drawn, to be accounted for to the State treasurer by the said cashier on oath." Adopted.

14. Strike out 115th section, and add the following clauses, to-wit:

"All laws imposing taxes, the subjects of which are revised in this act, or imposing taxes upon subjects others than those revised in this act are hereby repealed: *Provided*, That this

repeal shall not be construed to extend the provisions of any law so far as they relate to the taxes listed, or which ought to have been listed or which may be due for the year 1858, or for any year previous thereto."

And the question being "Shall the House concur?" the House did not concur.

Ordered, That the Senate be informed thereof.

On motion of Mr. Ransom,

H. 333, to establish the bank of North-Carolina, was read the third time, and pending the same,

Mr. Bryan, of New Hanover, asked and obtained leave to withdraw all the petitions, etc., relating to the proposed county of Lillington.

Mr. Martin, all the papers relating to the proposed extension of Williamston.

Mr. Leak obtained leave of absence for the remainder of the session, and pending the question,

The House adjourned.

NIGHT SESSION—MONDAY, FEBRUARY 14, 1859.

The House resumed the consideration of

H. 333, Mr. Ransom's bill to charter the Bank of North-Carolina.

The question being, "shall this bill pass the third reading?"

Mr. Ransom offered the following amendments:

Strike out all after the words "North-Carolina" in the amendment of Mr. Smith to section 4.

Insert in line 2 of section 2, the words "now invested in the bank of the State."

In section 13, after the word bank, insert "unless allowed by three-fourths of the stockholders."

In section 42, add "all notes intended for circulation shall be originally issued at the bank or branch at which the same are redeemable."

And these amendments were severally adopted.

Mr. Ransom further moved to amend as follows:

Restore section 46 of the printed bill, except the words, "or upon the stockholders therein."

And it was not adopted.

Mr. Ransom then moved to strike out the amendment offered by Mr. Hill, of H., and insert as follows:

"The State shall have power to tax the bank as follows: One-half of one per cent. on the shares of stock owned by individuals, when the profits divided shall amount to six per cent. and not exceed seven per cent.; three-fourths of one per cent., when the profits divided exceed seven per cent., and are not over eight per cent.; one per cent. when the profits exceed eight per cent. per annum; and the State may impose on the nett profits of individual stockholders, such like tax as may be imposed on interest received on money lent, and the State shall impose no farther tax on the bank; and the tax imposed on this bank shall in no case be greater than that imposed on any bank that may be chartered by this or any future Legislature."

Pending the question thereon,

A message was received from the Senate concurring in the proposition to raise a joint select committee concerning the Deep River Improvement, and appointed thereto, Messrs. Straughan, Pool, Brown, Pitchford and Thomas; whereupon the Speaker appointed Messrs. Morehead, Moore, of C., Sparrow, Bridgers, Fleming, Bryan, of N. H., Fagg, Smith and Norwood.

The pending question being resumed,

On motion of Mr. Caldwell, of Burke,

The question was put upon the motion to strike out, and it was not adopted, there being counted yeas 29, nays 37.

Mr. Fleming then offered the following amendment:

In any suit to which said bank is a party in interest, in which the question of usury is involved, any cashier, agent or officer may be the payee, drawer or acceptor or endorser of the bond, note, bill or other security or evidence of debt, ought to be impeached or avoided, or which is alleged to be usurious.

And it was not adopted.

Mr. Ransom moved to amend as follows :

In section 6, strike out "two millions" and insert "one million," in the 2nd line ; and strike out in the 5th line, "five hundred" and insert "two hundred and fifty."

Strike out all of section 30, after the words "paid in."

And they were adopted.

Mr. Ransom moved to amend as follows :

Strike out section 43, and insert as follows : "That the bank shall lend to the State upon 90 days notice such sums of money as the State may require : *Provided*, The bank shall not be compelled to make loans to the State when its indebtedness to the bank shall at any one time amount to \$200,000."

And it was adopted.

Mr. Ransom moved to amend as follows :

Strike out sections 44 and 45.

And it was adopted.

Mr. Fries offered the following amendment :

"Whenever this bank has any demands upon any person or corporation, it shall be lawful for said person or corporation to pay and discharge such demand in notes of said bank without regard to the place where the same may be payable and demandable, and the tender of such notes in payment or discharge of any such demands, or any part thereof, shall be good and valid in law ; and the person or corporation upon whom such demand is made, shall, in payment of the same, first use the notes of the bank or branch which makes the demand, in case they have the same on hand at the time of the demand made."

And it was adopted.

Mr. Martin moved that the vote by which the House had struck out all in section 30 after the words "paid in," be reconsidered, so as that the words "nor more than three times the amount of its specie on hand," be restored to the bill.

And the question thereon was put, and

Decided in the affirmative—Yeas, 84

Nays, 11

On motion of Mr. Moore, of Martin,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Brummell, Bryan, of N. H., Bullock, Burns, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dula, Eller, Fagg, Faison, Faribault, Farrow, Ferebee, Fleming, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdscaw, Jones, of O., Kirby, Leffers, Lewis, Love, Lyon, McCotter, Martin, Masten, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Pritchard, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stephens, Taylor, Tomlinson, Thornburg, Walker, Wallace, Walser, Ward, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Bryan, of C., Bryson, Cox, of J., Dancy, Drake, Fries, Hntchins, Jones, of C., Kerr, Mordecai and Ransom.

Messrs. Bryson and Kirby voted after the roll-call.

The question recurring upon the amendment of Mr. Ransom to section 30, and being put, was decided in the negative.

Mr. Simpson offered the following amendment, viz :

Be it further enacted, That as soon after the organization of the company under this charter as is practicable, they shall establish a branch of their bank at the town of Wentworth, in the county of Rockingham, provided the sum of \$50,000, or more, shall be subscribed towards the capital stock by persons residing in said county.

And it was adopted.

Mr. Bullock offered the following amendment :

Be it further enacted, That as soon after the organization of said company under this charter as practicable, they shall establish a branch of their bank at the town of Oxford, in the county of Granville, provided the sum of \$150,000, or more, shall be subscribed towards the capital stock in said county.

And it was not adopted.

Mr. Caldwell, of Guilford, offered a substitute, being the same which under the name of the State Relief and State Independent Bank, was already printed by the order of the House.

Pending the same, a message was received from the Senate informing the House that they insisted upon the amendments to the revenue bill; whereupon,

On motion of Mr. Outlaw,

Ordered, That a message be sent to the Senate, proposing a joint committee to confer thereon.

Mr. Hargrove, from the committee to superintend the election of ten trustees of the University, reported as follows:

"The committee appointed to superintend the election of ten Trustees of the University, having performed their duty, ask leave to report: Whole number of votes cast in both branches, 96; necessary to a choice, 49; of this number

Paul C. Cameron received	81 votes,
Thomas D. McDowell,	77 "
Alfred M. Scales,	77 "
William Lander,	75 "
J. J. Jackson,	74 "
DeWitt C. Stone,	74 "
Robert D. Hart,	72 "
Robert R. Bridgers,	72 "
Rufus L. Patterson,	66 "
Joseph M. Taylor,	62 "
W. N. H. Smith,	16 "
E. C. Chambers,	14 "
Tod R. Caldwell,	10 "
N. F. Reid,	10 "
Charles Maloy,	9 "
C. F. Deems,	8 "
R. M. Pearson,	6 "
D. D. Ferebee,	6 "
R. S. Tucker,	6 "

David Outlaw, John Pool, M. F. Waddill and Samuel J. Person received 5 votes each; W. A. Wright and B. F. Kettrell received 3 votes each; B. Craven, Drury Lacy, W.

F. Parker, George D. Hart, J. B. Gordon, George Davis, N. W. Woodfin, Charles Skinner and D. T. Taylor 2 votes each; and the following persons R. S. Donnell, Kemp P. Battle, M. F. Arendell, Josiah Turner, David Jackson, George Green, Samuel Phillips, Eli W. Hall, — Reid, N. N. Woodfin, Thomas J. Person, — Simonton, S. Baird, A. R. Kelly, D. T. Waddell, William Johnson, Thomas Ruffin, Sr., — Whitfield, W. K. Lane, S. H. Christian, William Barringer, J. H. Foot, L. F. Siler, A. G. Hubbard, Victor C. Barringer, P. J. Cassoway, Charles Maultby, R. S. French, William A. Faison, Jesse G. Shepherd, Rufus Barringer, Albert G. Foster, James H. Headen, Mathias E. Manly, Robert Strange and Weldon N. Edwards received one vote each.

Messrs. Paul C. Cameron, Thomas D. McDowell, Alfred M. Scales, William Lander, J. J. Jackson, Dewitt C. Stone, Robert D. Hart, Robert R. Bridgers, Rufus L. Patterson and Joseph M. Taylor having received a majority of all the votes cast, are duly elected.

Respectfully submitted.

W. N. H. SMITH,
T. L. HARGROVE,

Of the House branch of the Committee, &c.

The question being "Shall the House concur therein?" Mr. Outlaw enquired of the committee if a quorum of the Senate had voted in the said election. One of the committee stated that a quorum had not voted; pending this matter, and the previous question,

The House adjourned.

TUESDAY, FEBRUARY 15, 1859.

Mr. Benbury presented a report from the committee on privileges and elections; which being read, was,

On motion of Mr. Outlaw,

Ordered, To be printed and laid upon the table.

Mr. Fleming, from the committee on the Atlantic and North-Carolina Railroad, submitted a report in writing, together with a bill (628), which was entered upon the calendar.

Mr. Green, of Franklin, introduced the following resolution, viz :

A resolution relating to Commander Maury of the United States Navy.

Adopted, and ordered to be sent to the Senate, and sent accordingly.

Mr. Dula presented the following resolution, to-wit :

A resolution (No. 629) concerning the distribution of the public land.

And the question being "shall the resolution pass the first reading?" Mr. Bridgers moved the same be rejected, and the question thereupon was put, and

Decided in the affirmative—Yeas, 48

Nays, 41

On motion of Mr. Dula,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Cox, of J., Dancy, Drake, Fagg, Faison, Fleming, Foy, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hill, of S., Jones, of C., Kirby, Leffers, Lewis, Lyon, Moore, of C., Moore, of M., Moore, of N. H., Norman, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Simonton, Smallwood, Stanford, Speight, Wallace, Ward, Watters, Whitfield, Wilson and Williams.

And the following in the negative, viz :

Messrs. Barbee, Benbury, Brummell, Bryson, Burns, Clapp, Caldwell, of B., Caldwell, of G., Craven, Dula, Ferebee, Farrow, Gaither, of I., Green, of C., Harrington, Henry, Higgins, Leak, McCotter, McKay, Martin, Morehead, Morgan, Newby, Norwood, Outlaw, Pritchard, Purdie, Sanders, Shaw, Simonton, Smith, Sparrow, Speer, Stephens, Taylor, Tomlinson, Thornburg, Walker, Walser and Windley.

Mr. Smith voted after the roll was called.

On motion of Mr. Hill, of Stokes,

Resolved, That the morning session be extended until three o'clock, the evening session shall commence at 7 o'clock, and no motion to adjourn shall be in order, until half after ten o'clock.

Mr. Hill, of Halifax, moved that this House take from the table his resolution concerning limiting debate to ten minutes, and it was not adopted.

On motion of Mr. Outlaw,

The standing rule 38 of the House was ordered to be rescinded.

Mr. Caldwell, of Guilford, offered the following resolution :

Resolved, as the opinion of this General Assembly, That the act passed by the Senate and House of Representatives, distributing a portion of the public lands amongst the several States for the support of agricultural colleges, is unconstitutional and inexpedient.

Resolved, That the Governor of this State be directed in the event the said act receives his sanction, to inform the President of the United States, that the State of North-Carolina declines to receive any portion thereof.

Mr. Whitfield moved the same be rejected, and it was

Decided as follows—Yeas, 93

Nays, 00

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Blount, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Cox, of J., Craven, Dancy, Drake, Dula, Eller, Fagg, Faison, Farrow, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Lyon, McCotter, McKay, Martin, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reagan,

Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simon-ton, Simpson, Smallwood, Smith, Sparrow, Speer, Speight, Stanford, Stephens, Taylor, Tomlinson, Thornburg, Walker, Wallace, Walser, Ward, Whitfield, Wilson, Williams, Windley and Woodfin.

Mr. Bridgers asked and was refused leave to vote.

Mr. Benbury changed his vote.

Mr. Fries moved to reconsider the vote by which the House had yesterday rejected the bill to amend the charter of the French Broad and Greenville Railroad Company.

Mr. Dula moved that the question thereon be laid upon the table; and this question was put, and

Decided in the negative—Yeas,	36
Nays,	41

On motion of Mr. Dula,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Blount, Bryson, Burke, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Dickson, Dula, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Hall, of W., Holdsc-law, Hutchins, Jones, of C., Kirby, Leffers, Martin, Moore, of M., Morgan, Mordecai, Newby, Sanders, Sherrill, Simon-ton, Stephens, Thornburg, Wallace, Ward, Watters, Watson and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Bridgers, Bullock, Dancy, Drake, Eller, Fagg, Faison, Farrow, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of S., Lewis, Lyon, McCotter, Norwood, Outlaw, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Simpson, Smallwood, Smith, Sparrow, Speight, Stanford, Taylor, Walker, Whitfield, Wil-son and Woodfin.

Messrs. Henry and Eller changed their votes.

Mr. Speer asked and was refused leave to vote.

Messrs. Martin and Caldwell, of Guilford, voted after the roll was called.

The question recurring upon the motion was put, and

Decided in the affirmative—Yeas, 51
Nays, 38

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Benbury, Bridgers, Bullock, Chambers, Cox, of J., Dancy, Drake, Eller, Fagg, Faison, Farrow, Foy, Gatling, Gentry, Green, of C., Green, of F., Hargrove, Harrington, Hester, Hill, of S., Kerr, Lewis, Lyon, McKay, Martin, Mordecai, Newby, Norman, Norwood, Outlaw, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Smith, Speer, Stanford, Tomlinson, Walser, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Barbee, Blount, Bryson, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dickson, Dula, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Hall, of W., Henry, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Moore, of C., Moore, of M., Morgan, Pritchard, Purdie, Sherrill, Simonton, Stephens, Thornburg, Walker, Wallace, Ward, Watters and Windley.

Mr. Benbury and Mr. Cox, of Jones, voted after the roll was called.

The House having reconsidered the bill, the question recurred upon the passage thereof the third reading.

Mr. Bryson offered the following amendment :

Be it further enacted, That nothing in this act shall be so construed as to prevent the State or any company from building a railroad along the side or across the said Greenville and French Broad Railroad, without any discrimination in favor of the Greenville and French Broad Company.

And it was adopted.

Mr. Caldwell, of Guilford, offered the following amendment :

Be it further enacted, That the act authorizing a survey from Asheville to the Tennessee line, at or near Duck town, be and the same is hereby repealed.

And the question thereon was put, and

Decided in the negative—Yeas, 33

Nays, 55

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Blount, Caldwell, of G., Clapp, Craven, Faribault, Ferebee, Gaither, of D., Gaither, of I., Gentry, Hargrove, Henry, Hester, Lyon, McCotter, McKay, Moore, of M., Morgan, Outlaw, Purdie, Reeves, Sanders, Shaw, Simonton, Speer, Speight, Taylor, Tomlinson, Thornburg, Ward, Watson and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of B., Chambers, Cox, of J., Dancy, Dickson, Drake, Dula, Eller, Fagg, Fleming, Foy, Fries, Gatling, Green, of F., Hall, of R., Harrington, Hill, of S., Holdslaw, Hutchins, Jones, of O., Kirby, Leffers, Moore, of C., Mordecai, Newby, Norman, Norwood, Pritchard, Ransom, Reagan, Ripley, Roney, Scales, Sherrill, Simpson, Smallwood, Smith, Sparrow, Stanford, Walker, Wallace, Walser, Watters, Whitfield, Williams and Woodfin.

Mr. Blount having changed his vote ; and

Messrs. Cox, of Jones, Chambers, Baird, Speer, Hutchins, and Faribault, voting after the roll was called.

Mr. Ward offered the following amendment :

Provided, The Western North-Carolina Railroad Company shall relinquish the State's subscription to said road west of Morganton, in the county of Burke, before this act goes into operation.

And the question thereon was put, and

Decided in the affirmative—Yeas, 53

Nays, 25

On motion of Mr. Ward,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of N. H., Bullock, Burke, Chambers, Dancy, Dickson, Drake, Eller, Fagg, Faribault, Fries, Gatling, Gentry,

Green, of F., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdslaw, Lyon, McCotter, McKay, Moore, of M., Moore, of N. H., Newby, Norman, Norwood, Outlaw, Purdie, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Smith, Speight, Stanford, Taylor, Tomlinson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Bryson, Caldwell, of B., Caldwell, of G., Clapp, Craven, Ferebee, Fleming, Foy, Gaither, of I., Hall, of W., Henry, Hutchins, Jones, of O., Kirby, Pritchard, Simonton, Sherrill, Speer, Stephens, Thornburg, Walker, Ward, Watters, Whitfield and Windley.

The question then recurring upon the passage of the bill the third reading, was put and

Decided in the negative—Yeas, 42

Nays, 48

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Bridgers, Brummell, Bryan, of N. H., Bullock, Dancy, Drake, Eller, Fagg, Gatling, Gentry, Green, of F., Hargrove, Harrington, Henry, Hester, Hill, of S., Lyon, McKay, Martin, Moore, of N. H., Newby, Norman, Norwood, Outlaw, Ransom, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smallwood, Smith, Speight, Stanford, Tomlinson, Wilson and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Barbee, Blount, Bryson, Caldwell, of B., Caldwell, of G., Clapp, Costner, Cox, of J., Craven, Dula, Faribault, Ferebee, Fleming, Foy, Fries, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Hall, of W., Higgins, Holdslaw, Hutchins, Jones, of C., Jones, of O., Kirby, Leffers, Moore, of C., Moore, of M., Morehead, Morgan, Mordecai, Pritchard, Purdie, Sherrill, Simonton, Speer, Stephens, Taylor, Thornburg, Walker, Ward, Watters, Watson, Whitfield, Williams and Windley.

Messrs. Purdie and Speer having changed their votes, and Mr. Roney voted after the roll was called.

Mr. Costner, from the committee on enrolled bills, submitted the following report :

The committee on enrolled bills for the present week have examined the following bills and beg leave to report the same to the House, to wit :

An act to incorporate the Alamance Gold Mining and Manufacturing Company.

An act to incorporate the Potosi Mining and Manufacturing Company.

An act to incorporate the Baltimore and Montgomery Mining Company.

An act to prevent the felling of timber in the waters of Second, Third, Fourth and Withers' creeks in the county of Rowan.

An act to amend an act incorporating the Yanceyville Plankroad Company.

An act to incorporate the town of Lillington in the county of New Hanover.

An act to extend the term of Rowan superior court to two weeks.

An act supplemental to an act to lay off and establish the county of Alleghany.

An act to amend an act incorporating Catawba college.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Goldsboro', in the county of Wayne, to extend the limits thereof, and for other purposes.

An act for the encouragement of the Fayetteville Light Infantry Company.

An act to incorporate the Black Mountain Turnpike Company.

An act to incorporate the Halsey Mining and Smelting Company.

An act to incorporate the town of Gold Hill in the county of Rowan.

An act to incorporate the Southern Mining and Manufacturing Company.

An act to amend the acts passed at the sessions of 1850-'51,

1854-'55 and 1856-'57, entitled an act to incorporate the Tuckasege and Keowee Turnpike Road Company.

An act to change the time of holding the courts of pleas and quarter sessions for Forsyth county.

An act to extend the time of perfecting titles to land heretofore entered.

An act granting to the superior court of Burke county original and exclusive jurisdiction of all criminal causes and State prosecutions, where the intervention of a jury may be necessary.

An act to lay off and improve the road from Elkin factory, in Surry county, to Enoch Vannoy's mill, in Wilkes county.

An act to incorporate the Salem Mutual Insurance Company.

An act to amend an act entitled an act to charter the Wilmington and Manchester Railroad Company.

An act concerning the custody of minor children in certain cases.

A resolution in favor of H. N. Brittain of Haywood county.

On motion of Mr. Caldwell, of Burke,

The 31st standing rule was rescinded from and after this date.

The following message was received from the Senate, viz :

The Senate concurs in the proposition of the House to print the message from his Excellency the Governor, with accompanying documents, concerning the mortgage of the Atlantic and North-Carolina Railroad Company.

The Senate also agrees in the proposition of the House to raise a joint select committee of two on the part of the House, and one on the part of the Senate, to consider said message and documents, and report whether any action is necessary on the part of this General Assembly or not.

The Senate appoints Mr. Lane on Senate branch of said committee.

And thereupon the Speaker appointed Messrs. Fleming and McKay on the part of the House.

The Senate having further proposed to go into the election

of nine trustees of the insane asylum on to-morrow at 12 o'clock,

On motion of Mr. Scales,

The Speaker appointed Messrs. Scales, Outlaw and Sparrow a committee to recommend suitable persons to serve as said trustees, and this committee having retired for consultation, reported the following persons, viz: Messrs. Wm. H. Harrison, Joseph B. Cherry, D. T. Tayloe, Charles Skinner, Jno. A. Taylor, M. A. Bledsoe, Wm. R. Cox, Walter L. Steele and S. E. Williams.

An election was then held for nine directors of the Asylum under the superintendence of Messrs. Benbury and Dancy, with the following result:

The committee to superintend the election of nine directors of the Lunatic Asylum beg leave to submit the following report:

That William H. Harrison, of Wake, received 110 votes; Jos. B. Cherry, of Bertie, 119; D. T. Tayloe, of Washington, 115; Charles Skinner, of Warrenton, 119; Jno. A. Taylor, of Wilmington, 116; Moses A. Bledsoe, of Wake, 111; Wm. R. Cox, of Wake, 115; Walter L. Steele, of Richmond, 110; and S. E. Williams, of Caswell, 115. Messrs. Rutherford, Shipp, Cain, Hinton, Dockery and Flanner, 3 each; Mr. Ramsay, 2; Messrs. Boyd, Shepherd, Davis, Blount, Cole, Kelly and Christian, 1 each.

Messrs. Harrison, Cherry, Tayloe, Skinner, Taylor, Bledsoe, Cox, Steele and Williams having received a majority of all the votes cast, are declared duly elected.

The following other messages were received from the Senate, to wit:

The Senate has concurred in the proposition of the House to raise a committee of conference, five on the part of each House, to consider the difference between the two houses, arising out of the amendments proposed by the Senate to the bill entitled "Revenue," and to report a plan of adjustment; and have appointed on the part of the Senate, Messrs. Ashe, Cowper, Brown, Ramsay and Steele.

The Senate has passed the engrossed bill concerning com-

mon schools, with amendments marked A and B, in which the concurrence of the House is asked. Also the following engrossed bill, with amendments attached, to wit :

A bill to amend an act entitled an act supplemental to an act to establish a new county by the name of Harnett; in which amendments the concurrence of the House is asked.

The Senate has passed the bill to incorporate the Rockingham Coalfield Railroad, with accompanying amendment marked A, in which the concurrence of the House is asked.

In these amendments the House concurred.

The Senate further transmitted certain engrossed bills which were entered upon the calendar, also giving notice of the appointment of Messrs. Guyther and Douthitt, to superintend the election of Directors of the Insane Asylum, on the part of the Senate, and transmitting the recommendation of certain persons as justices for the county of Onslow, which were concurred in.

Bills, etc., of the titles following being introduced, passed the first reading and other proceedings were had as follows, viz :

By Mr. Fleming, from the special committee upon that subject, a bill (628) for the relief the North-Carolina and Atlantic Railroad Company.

By Mr. Hutchins: a resolution (629) in favor of W. H. & R. S. Tucker.

By Mr. Fagg: a bill (630) to establish a public road in the county of Madison.

And the following engrossed bills and resolutions from the Senate, viz :

S. 631, concerning House and Senate Libraries.

S. 632, to amend charter Sulphur Springs and Paint Rock Turnpike Company.

S. 633, to extend the time of payment for certain entries.

S. 634, in favor of the Albemarle and Chesapeake Canal Company.

S. 635, to repeal the Revised Code, chapter 66, Literary Fund and Common Schools.

S. 636, to authorize the United States to buy land for a Pest House.

S. 637, to prevent the emancipation of slaves.

S. 638, in favor of the Deaf and Dumb Asylum buildings.

S. 639, in favor of Thomas T. Patton.

S. 640, to establish a Turnpike road in Polk and Buncombe.

S. 641, concerning the Wilmington and Weldon Railroad Company.

S. 642, to amend charter Rich Mountain Turnpike Company.

S. 643, concerning Bridges and Buoys.

S. 644, to alter terms of Court in Lincoln and Catawba.

S. 645, to charter Kittrell Mineral Springs Company.

By Mr. Caldwell, of Burke: a bill (646) to fix the terms of Court in Watauga.

By Mr. Fries: a resolution (H. R. 647) in favor of the Public Treasurer.

By Mr. Pritchard: a resolution (648) in favor of the Principal and Assistant Clerk.

Mr. Norwood, from the committee on enrolled bills, reported as follows, viz:

The committee on enrolled bills, have examined the following bills and resolutions and find them correct, to-wit:

An act to incorporate Way-ye-hutta Mining and Manufacturing Company.

An act to cede to the United States jurisdiction over the sites of light houses and beacons on the line of the Albemarle and Chesapeake canal.

An act to enlarge the powers of married women over their estates in certain cases.

An act concerning the town of Trenton, in Jones county.

An act to amend the charter and revise and consolidate the acts relating to the North-Carolina Mutual Insurance Company.

An act to amend an act entitled an act to incorporate the Western North-Carolina Railroad Company, passed at the session of 1854-'55; and also an act amendatory thereof, passed at the session of 1856-'57.

An act to incorporate the Jonesville Male and Female High Schools, in the county of Yadkin.

A resolution in favor of Henry Van Glahn and H. Baker.

A resolution in favor of Ebenezer Combs.

A resolution in favor of Dabney Cosby.

A resolution in favor of C. N. White, of Cabarrus county.

A resolution in favor of W. Watson.

A resolution in regard to a dredge boat on New river.

An act to authorize the Petersburg and Roanoke Railroad Company to run a new road from Garysburg to Weldon, and for other purposes.

A resolution concerning the distribution of the Revised Code.

A resolution in favor of Wm. J. W. Crowder.

An act to establish the Bank of Salisbury.

On motion of Mr. Woodfin,

Resolved, That the Governor of the State be authorized, if he deem it expedient, to cause suit to be brought against Stephen Munday, former agent of the Western Turnpike Road, for arrearages due the State.

The Senate having transmitted a recommendation for justices of the peace for the county of Camden,

Mr. Ferebee moved the same be laid upon the table.

The question was put, and

Decided in the negative—Yeas, 42

Nays, 43

On motion of Mr. Moore, of M.,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Bryan, of N. H., Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dickson, Dula, Eller, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Harrington, Henry, Jones, of O., McCotter, McKay, Martin, Moore, of C., Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Scales, Simonton, Smith, Sparrow, Speer, Stephens, Taylor, Thornburg, Walser, Ward and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Bridgers, Bryan, of C., Bryson, Bullock, Cox, of J., Dancy, Drake, Fagg, Faison, Faribault, Fleming, Foy, Gatling, Gentry, Green, of F., Hargrove, Hester, Hill, of S., Higgins. Holdsclaw, Hutchins, Jones of C., Kerr, Kirby, Leffers, Lewis, Lyon, Moore, of M., Norman, Reeves, Ripley, Roney, Simpson, Smallwood, Speight, Stanford, Wallace, Whitfield, Wilson and Williams.

Mr. Bryson and Moore, of Chatham, changed their votes; and Mr. Bryan, of N. H., and Mr. Purdie voted after the roll was called.

Mr. Martin moved that the same be indefinitely postponed, and this question was put, and

Decided in the affirmative—Yeas, 48

Nays, 30

On motion of Mr. Jones, of Craven,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Bryan, of N. H., Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dula, Eller, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Green, of C., Harrington, Henry, Higgins, Hutchins, Jones, of O., Love, McCotter, McKay, Martin, Moore, of C., Morehead, Morgan, Newby, Norwood, Outlaw, Pritchard, Purdie, Reagan, Sanders, Scales, Shaw, Sherrill, Simonton, Smith, Sparrow, Speer, Stephens, Taylor, Thornburg, Walser, Ward and Windley.

And the following in the negative, viz:

Messrs. Badham, Barbee, Bryan, of C., Bullock, Cox, of J., Dancy, Fagg, Faison, Foy, Gatling, Gentry, Hargrove, Hester, Jones, of C., Kerr, Kirby, Lyon, Moore, of M., Moore, of N. H., Norman, Ransom, Reeves, Simpson, Smallwood, Stanford, Tomlinson, Wallace, Whitfield, Wilson and Williams.

Mr. Higgins having changed his vote.

Mr. Outlaw introduced the following resolution:

Resolved, That the report of the committee on the election of trustees, be re-committed to said committee with instructions to report to this House whether a quorum of the Senate voted in said election.

Mr. Fries moved to strike out all after "Resolved," and insert "That the House concur in the report of the committee on the election of trustees of the University."

Mr. Ferebee moved the question be divided, and it was so ordered, and then the question being put upon the motion to strike out, was put, and

Decided in the affirmative—Yeas, 53

Nays, 30

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Bryan, of C., Bryan, of N. H., Bullock, Burke, Costner, Dancy, Faison, Faribault, Fleming, Fries, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hill, of S., Higgins, Holdsclaw, Jones, of O., Kerr, Kirby, Leffers, Lewis, Love, Lyon, McKay, Moore, of C., Moore, of N. H., Norman, Norwood, Pritchard, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Tomlinson, Wallace, Watson, Whitfield, Wilson and Williams.

And the following in the negative, viz:

Messrs. Benbury, Bryson, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Dula, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Henry, McCotter, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Speer, Simonton, Sparrow, Stephens, Thornburg, Walser and Windley.

The question then being upon the insertion of Mr. Fries amendment, it was adopted.

Mr. Benbury offered the following amendment:

Resolved, That when any election takes place, which is required to be held by the joint vote of both Houses, it is not requisite that a quorum shall be present.

The question then was put and

Decided in the negative—Yeas, none.

Nays, 84

On motion of Mr. Benbury,

The yeas and nays being ordered, the following voted in the negative, viz.

Messrs. Badham, Baird, Barbee, Benbury, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Costner, Craven, Dancy, Dickson, Dnla, Eller, Fagg, Faison, Farrow, Ferebee, Foy, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of C., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdscaw, Jones, of O., Kerr, Kirby, Leak, Leffers, Lewis, Love, Lyon, McCotter, McKay, Martin, Moore, of C., Moore, of N. H., Morehead, Morgan, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ransom, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Stanford, Stephens, Thornburg, Wallace, Walser, Ward, Watson, Whitfield, Wilson, Williams, Windley and Woodfin.

Mr. Burns having changed his vote, and

Mr Fleming voting after the roll was called,

Mr. Ferebee offered the following amendment :

Add as follows, viz: "although there was not a majority of the Senate voting in the election of said trustees."

And the question thereon was put and

Decided in the negative—Yeas, 27

Nays, 55

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Henry, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Thornburg, Walser and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Costner, Cox, of J., Dancy, Faison, Faribault, Fleming, Foy, Fries, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdscaw, Jones, of O., Kirby, Leffers, Lewis,

Love, Lyon, McKay, Moore, of C., Moore, of N. H., Mordecai, Norman, Norwood, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Wallace, Watson, Whitfield, Wilson and Williams.

The question then recurring upon the passage of the resolution as amended was put and

Decided in the affirmative—Yeas, 52

Nays, 30

On motion of Mr. Ferebee,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Barbee, Bryan, of C., Bryan, of N. H., Bullock, Costner, Cox, of J., Dancy, Faison, Faribault, Fleming, Foy, Fries, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Holdsclaw, Jones, of O., Kirby, Leffers, Lewis, Love, Lyon, Moore, of C., Moore, of N. H., Mordecai, Norman, Norwood, Purdie, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Speight, Stanford, Tomlinson, Wallace, Watson, Whitfield, Wilson, and Williams.

And the following in the negative, viz:

Messrs. Benbury, Bryson, Burns, Caldwell, of B., Caldwell, of G., Chambers, Clapp, Craven, Eller, Farrow, Ferebee, Gaither, of I., Green, of C., Henry, McCotter, McKay, Martin, Morehead, Morgan, Newby, Outlaw, Sanders, Simonton, Sparrow, Speer, Stephens, Thornburg, Walser, Ward and Windley.

The House resumed the unfinished business,

H. 333, Mr. Ransom's bill to charter the Bank of North-Carolina.

Mr. Outlaw moved the same be postponed until to-night at 7 o'clock; and the question being thereon and tellers demanded, the House was passed between the tellers, and pending the same adjourned.

NIGHT SESSION—TUESDAY, FEBRUARY 15, 1859.

The House resumed the consideration of

H. 333, to charter the Bank of North Carolina, the pending question being upon the motion of Mr. Caldwell, of Guilford, to strike out and insert his amendment.

Mr. Norwood demanded a division of the question, and the question being first upon the motion to strike out, was put and

Decided in the negative—Yeas, 19

Nays, 62

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Brummell, Caldwell, of B., Caldwell, of G., Clapp, Craven. Dula, Eller, Farrow, Ferebee, Gaither, of D., Martin, Morehead, Morgan, Norman, Sanders, Shaw, Simonton, Speer and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Benbury, Blount, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burns, Costner, Cox, of J., Dancy, Drake, Faison, Faribault, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Hutchins, Jones, of O., Kerr, Kirby, Love, Lyon, Moore, of C., Newby, Norwood, Pritchard, Purdie, Ransom, Reagan, Reeves, Roney, Scales, Sherrill, Simpson, Smallwood, Speight, Stanford, Stephens, Tomlinson, Thornburg, Walker, Wallace, Walser, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

Mr. Chambers paried off with Mr. Masten.

Messrs. Watters, Bryan, of C., Caldwell, of B. and Brummell, voting after the roll was called,

Mr. Ferebee offered an amendment.

The Speaker decided the same not in order. He said that upon reflection he was satisfied his first impression was correct, and he would hold that when the House refuses to strike out it agrees to the proposition under consideration.

The question was then put, "shall the bill pass?" and

Decided in the affirmative—Yeas, 72

Nays, 19

On motion of Mr. Moore, of M.,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burns, Burke, Caldwell, of B., Costner, Cox, of J., Dancy, Dickson, Drake, Dula, Eller, Faison, Faribault, Ferebee, Fleming, Fries, Gaither, of D., Gaither, of I., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Henry, Hill, of S., Higgins, Holdselaw, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Love, Lyon, Morehead, Newby, Norwood, Outlaw, Ransom, Reagan, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Smith, Speight, Taylor, Tomlinson, Thornburg, Walker, Wallace, Walser, Watters, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Caldwell, of G., Clapp, Craven, Farrow, Hargrove, Hester, McCotter, Martin, Moore, of M., Morgan, Norman, Pritchard, Purdie, Reeves, Sanders, Speer, Stanford, Stephens and Windley.

Mr. Chambers paired off with Mr. Masten, or would vote no.

A message was received from the Senate transmitting the report of the committee of conference upon the revenue bill and the following message, viz :

IN SENATE, February 15th, 1859.

MR. SPEAKER: The Senate has receded from its third, eighth, the latter clause of the twelfth, and that part of the thirteenth amendment, which strikes out the 5th paragraph of schedule C, and it adheres to the remainder of the former amendments; it also herewith transmits the report of the committee of conference.

HENRY T. CLARK,

Speaker Senate.

By order :

JNO. HILL, *Clerk,*

And the question being shall the House agree to the report, it was decided in the affirmative.

So the House receded from its disagreement, and the bill was

Ordered, To be sent to the Senate.

The House then considered.

The Senate bill (596) to charter the Bank of Lexington,

The question being shall the bill pass the second reading,

Mr. Scales offered the following amendments :

“Be it further enacted, That books for the subscription of said capital stock shall be opened as provided for in the first section of the bill, at Graham, in Alamance county, under the superintendence of Edwin M. Holt, Thomas Ruffin, Jr., Jesse Gant and John Trolinger, or a majority of them, and *Provided*, One thousand shares of the stock of said company shall be subscribed for at Graham, and paid in according to the provisions of said bill, it shall be the duty of said bank to establish a branch at Graham, with a capital of \$100,000.”

2. Whenever said bank shall suspend specie payment unless under the advice of the Governor and Council, it shall pay into the State treasury 4 per cent. on the amount in circulation at the time of suspension, to be ascertained on the oath of the cashier, and collected by the treasurer of the State.

Mr. Williams offered the following amendment :

Be it further enacted, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in ; nor more than twice the amount of its specie on hand.

And it was adopted.

The question then recurred upon the passage of the bill the third reading ; and it was put, and

Decided in the affirmative—Yeas, 41

Nays, 33

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Brummell, Bryan, of C., Bullock, Burns, Caldwell, of B., Chambers, Costner, Dickson,

Dula, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Harrington, Hester, Higgins, Holdscaw, Jones, of C., Lyon, McKay, Morehead, Norman, Ransom, Reagan, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Stanford, Thornburg, Walker, Walser, Watters and Williams.

And the following in the negative, viz:

Messrs. Bridgers, Bryan, of N. H., Caldwell, of G., Dancy, Faribault, Farrow, Ferebee, Fries, Gatling, Green, of F., Hargrove, Henry, Hutchins, Kirby, Leffers, Moore, of C., Moore, of M., Moore, of N. H., Morgan, Newby, Norwood, Outlaw, Pritchard, Purdie, Sanders, Smith, Speer, Speight, Stephens, Tomlinson, Wallace, Whitfield and Wilson.

Mr. Hall, of Warren, paired off with Mr. Hill, of Halifax.

The Senate having informed the House of the passage of the bill to alter the county line between Wayne and Wilson, with an amendment, in which they asked the concurrence of the House, and the question being thereon, the House did not concur.

The Senate bill (536) to establish the Bank of Commerce, being read the third time and the question put,

Mr. Dancy offered the following amendments:

Section 14, line 3, strike out "five" and insert "six," and in line 7 of said section, strike out "five" and insert "six;" and to be added at the close of the section:

Provided, That not less than \$50,000 shall be subscribed on the books at Goldsboro', and that Richard Washington, Wm. B. Edmundson, Edwin B. Bowden, Wm. K. Lane and George V. Strong, or a majority of them, may open books of subscription at Goldsboro'.

Mr. Williams offered the following amendment:

Provided, That the bank shall at no time have in circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of its specie on hand.

And it was adopted.

Mr. Scales offered the following amendment:

Be it further enacted, That whenever said bank shall suspend specie payment, unless under the advice of the Governor and council, it shall pay into the State treasury four

per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the Treasurer of the State.

And the question recurring upon the passage of the bill the third reading was put and

Decided in the affirmative—Yeas, 41

Nays, 37

On motion of Mr. Whitfield,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Brummell, Bryan, of C., Bryson, Bullock, Burns, Burke, Caldwell, of B., Chambers, Costner, Cox, of J., Dickson, Dula, Fagg, Fleming, Gaither, of D., Gaither, of I., Hall, of R., Hill, of S., Higgins, Jones, of C., Lyon, McCotter, McKay, Morehead, Ransom, Reagan, Reeves, Simon-ton, Simpson, Sparrow, Speight, Stanford, Thornburg, Walker, Walser, Watters, Whitfield, Williams, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Baird, Barbee, Bridgers, Caldwell, of G., Clapp, Craven, Dancy, Faribault, Farrow, Ferebee, Fries, Gatling, Green, of C., Green, of F., Hargrove, Harrington, Henry, Hester, Hutchins, Kirby, Leffers, Martin, Moore, of M., Norwood, Outlaw, Purdie, Roney, Sanders, Scales, Shaw, Smith, Speer, Stephens, Taylor, Tomlinson, Wallace and Wilson.

Mr. Hall, of Warren, paired off with Mr. Hill of Halifax.

Mr. Speer voted after the roll was called.

Mr. Gentry asked and was refused leave to vote.

H. R 647, by Mr. Fries: a resolution in favor of the public treasurer.

On motion of Mr. Fries,

The rule being suspended, this resolution passed the second and third readings.

Ordered, To be sent to the Senate.

Mr. Pritchard's resolution (648) in favor of the principal and assistant clerks of the House being read, passed the first reading, and then,

On motion of Mr. Ransom,

The rule being suspended, the resolution was read the

second time, and the question being, "shall the resolution pass the second reading?" was put, and

Decided in the affirmative—Yeas, 61

Nays, 20

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of B., Cox, of J., Dancy, Dickson, Fagg, Faison, Faribault, Farrow, Fleming, Fries, Gatling, Gentry, Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Leffers, Lyon, McKay, Moore of C., Moore, of M., Moore, of N. H., Morehead, Newby, Norwood, Pritchard, Ransom, Reagan, Reeves, Roney, Scales, Shaw, Sherrill, Simpson, Smith, Speer, Speight, Stanford, Stephens, Walker, Wallace, Watters, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Barbee, Burns, Caldwell, of G., Chambers, Costner, Dula, Ferebee, Gaither, of D., Gaither, of I., Martin, McCotter, Morgan, Outlaw, Purdie, Sanders, Simonton, Taylor, Thornburg and Windley.

Mr. Bryson voted after the roll was called.

The resolution then passed the third reading, and was ordered to be sent to the Senate.

The engrossed bill from the Senate (328) to amend the charter of the Bank of Cape Fear, being read the third time and the question put, "shall this bill pass the third reading?"

Mr. Fries offered the following as an amendment to the amendment of Mr. Caldwell, of Guilford: "Unless by express consent of the directors of this bank."

And it was adopted.

And Mr. Scales moved to strike out the entire section as thus amended.

And it was adopted.

Mr. Fleming offered the following amendment:

Strike out section 2 and insert in lieu thereof,

Be it further enacted, That no bill, certificate of deposit or promissory note of said bank shall be issued or re-issued by the corporation for a less sum than five dollars.

And the question thereon was put, and

Decided in the negative—Yeas, 32

Nays, 40

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Bryan, of C., Bullock, Cox, of J., Craven, Dancy, Eller, Ferebee, Fleming, Green, of F., Hall, of W., Hargrove, Henry, Kerr, Leffers, Lyon, Moore, of C., Morgan, Norman, Outlaw, Ransom, Roney, Sanders, Scales, Simpson, Smallwood, Speight, Tomlinson, Wallace, Wilson and Windley.

And the following in the negative, viz :

Messrs. Baird, Barbee, Bridgers, Bryan, of N. H., Burns, Caldwell, of G., Chambers, Clapp, Dickson, Faison, Faribault, Farrow, Gaither, of I., Gentry, Harrington, Hester, Higgins, Hutchins, Jones, of O., Love, McCotter, McKay, Martin, Moore, of N. H., Morehead, Norwood, Pritchard, Purdie, Reeves, Shaw, Simonton, Sparrow, Speer, Stephens, Taylor, Thornburg, Walker, Watters, Williams and Woodfin.

Mr. Moore, of Chatham, voted after the roll was called.

Mr. Fagg asked leave to vote, but was refused.

The question recurring upon the passage of the bill the third reading, was put and

Decided in the affirmative—Yeas, 48

Nays, 26

On motion of Mr. Fleming,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Benbury, Brummell, Bryan, of N. H., Bryson, Chambers, Clapp, Costner, Dickson, Dula, Fagg, Faison, Faribault, Farrow, Ferebee, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of C., Harrington, Henry, Hutchins, Jones, of O., Leffers, Lyon, McKay, Martin, Morehead, Moore, of N. H., Norwood, Outlaw, Purdie, Ransom,

Reeves, Shaw, Simonton, Simpson, Sparrow, Speer, Taylor, Tomlinson, Thornburg, Walker, Watters, Woodfin and Whitfield.

And the following in the negative, viz :

Messrs. Bullock, Burke, Caldwell, of G., Craven, Dancy, Eller, Fleming, Gatling, Hall, of R., Hall, of W., Hargrove, Hester, McCotter, Moore, of M., Morgan, Norman, Pritchard, Roney, Sanders, Scales, Speight, Stephens, Wallace, Wilson, Williams and Windley.

Messrs. Dula, McCotter, Fagg and Reeves voted after the roll was called.

At 10 o'clock 40m., Mr. Dancy moved the House do now adjourn, and the question thereon was put, and there being counted yeas 46, nays 39,

The House adjourned.

WEDNESDAY, FEBRUARY 16, 1859.

On motion of Mr. Pritchard,

The following preamble and resolution, introduced by him, was unanimously adopted, as follows, viz :

WHEREAS, It is "a consummation devoutly to be wished," that North-Carolina should do something to commemorate the great deeds of her own illustrious dead ; and, whereas, the present is a peculiarly fitting occasion to call her attention to the inauguration of the grateful work of rearing a monumental structure at home ; and, whereas, no act in the great drama of our colonial emancipation surpasses, in moral heroism and grandeur, that of May 20, 1775. Therefore,

Be it resolved by the General Assembly of the State of North Carolina, now in session, That it is the duty of the State of North-Carolina to erect a suitable monument in the town of Charlotte, Mecklenburg county, to perpetuate the memory of the authors and signers of the original declaration of independence, made at said town, May 20, 1775.

The following engrossed bills and resolutions were received from the Senate :

- S. 649, concerning the Deep River Navigation Company;
- S. R. 650, in favor of the trustees of Polk county;
- S. 651, concerning courts in Ashe;
- S. 652, to charter Madison Savings bank;
- S. 653, to amend charter Greenville and French Broad Railroad Company;
- S. 654, concerning lunatic femmes covert;
- S. 655, to facilitate the collection of taxes;
- S. 656, to amend the Revised Code, chap. 5, Apprentices;
- S. 657, to amend charter Charlotte and Taylorsville Plank-road Company;
- S. 658, to regulate the sale of spirituous liquors in Henderson;
- S. 659, to abolish the office of adjutant general;
- S. 660, concerning Haw river, in Alamance;
- S. 661, to amend charter of Charlotte;
- S. 662, to establish the bank of Murphy;
- S. R. 663, concerning the capitol;
- S. 664, concerning Turnpike roads in Madison;
- S. 665, to amend charter of Asheville;
- S. 666, to amend charter Jonathan's Creek and Tennessee Turnpike Company;
- S. 667, to establish an election precinct in Northampton;
- By Mr. Outlaw: a bill (668) to extend charter of the Bank of the State until 1863;
- S. 669, to prevent more effectually the trading with slaves.
- Also, the following:
- S. 670, to amend Revised Code, chapter 89, Public Arms;
- S. 671, to amend Revised Code, chapter 100 Rivers and Creeks;
- S. 672, to authorize the sale of State bonds;
- S. 673, concerning receivers for courts of equity;
- S. R. 674, in favor of doorkeepers;
- S. R. 675, concerning revolutionary half pay;
- S. R. 676, concerning the journals.
- By Mr. Dancy: a resolution (H. R. 677) concerning the lighting of the halls with gas;

S. 678, to amend Revised Code, chapter 100, Rivers and Creeks ;

S. 679, for the better regulation of Smithville in Brunswick ;

By Mr. Lyon : a resolution (680) in favor of the engrossing clerks ;

By Mr. Ransom : a resolution (681) in favor of the Albe-marle and Chesapeake committee ;

S. 682, an engrossed bill from the Senate to charter the Cheo and Valley Turnpike Company, in the county of Cherokee.

On motion of Mr. Fleming,

Resolved, That on to-day the House adjourn at 2 o'clock, P. M., and meet again at 3 o'clock, P. M., and adjourn at 6 o'clock, P. M.

On motion of Mr. Pritchard,

Resolved, That the respective committees of this House be discharged from further duty, and that all bills, &c., not reported, be ordered to be put upon the files.

On motion of Mr. Moore, of Chatham,

The rule being suspended, the House considered an engrossed bill (No. 649) to protect the interest of the State in the Deep River Navigation Company ; and the said bill being read the second time, and the question put "shall this bill pass the second reading?" it was

Decided in the affirmative—Yeas, 43

Nays, 42

On motion of Mr. Benbury,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Cox, of J., Dancy, Dickson, Drake, Faribault, Fleming, Foy, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hutchins, Jones, of C., Jones, of O., Kerr, Leffers, Love, Martin, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Mordecai, Outlaw, Ransom, Reagan, Reeves, Scales, Shaw, Smallwood, Smith, Speight, Ward, Watters, Whitfield, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Benbury, Blount, Bullock, Burns, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dula, Fagg, Farrow, Ferebee, Gaither, of I., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Kirby, Lewis, Lyon, McCotter, Morgan, Newby, Norwood, Purdie, Ripley, Roney, Sanders, Simonton, Simpson, Sparrow, Speer, Stephens, Tomlinson, Thornburg, Wallace, Walser, Wilson and Windley.

Messrs. Martin and Speer voted after the roll was called, and Mr. Jones, of Craven, changed his vote.

The bill was then read the third time, and the question put, and

Decided in the affirmative—Yeas, 50

Nays, 47

On motion of Mr. Hester,

The yeas and nays were ordered, and the following voted in the affirmative viz :

Messrs. Badham, Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Cox, of J., Dancy, Dickson, Drake, Eller, Faribault, Ferebee, Fleming, Foy, Gaither, of D., Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hutchins, Jones, of C., Jones, of O., Kerr, Leffers, Love, Martin, Moore, of C., Moore, of M., Moore, of N. H., Morehead, Mordecai, Newby, Outlaw, Ransom, Reeves, Scales, Shaw, Smallwood, Smith, Speight, Walker, Ward, Watters, Watson, Whitfield, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Benbury, Blount, Brummell, Bullock, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dula, Fagg, Farrow, Gaither, of I., Hargrove, Harrington, Henry, Hester, Hill, of S., Higgins, Holdsclaw, Kirby, Lewis, Lyon, McCotter, Morgan, Norman, Norwood, Pritchard, Purdie, Reagan, Ripley, Roney, Sanders, Sherrill, Simonton, Simpson, Speer, Stanford, Stephens, Tomlinson, Thornburg, Wallace, Walser, Wilson and Windley.

Messrs. Farrow, Simonton, Ferebee, Kirby, Simpson and Stanford, voted after the roll was called, and

Mr. Eller changed his vote.

Ordered, That the bill be enrolled.

A message having been received from the Senate transmitting certain engrossed bills which were entered upon the calendar, other proceedings were had as follows viz:

S. R. 650, in favor of the trustees of Polk county, passed the second and third readings.

Ordered, To be enrolled.

S. 651, concerning courts in the county of Ashe, passed the second reading.

The following Senate bills under the suspension of the rules, passed the second and third readings, and were ordered to be enrolled, viz:

S. 652, to charter the Madison Savings Bank;

S. 653, to amend the charter of the Greenville and French Broad Railroad Company;

S. 654, concerning lunatic *Femes Covert*;

The Senate bill (655) to facilitate the collection of taxes;

The Senate bill (657) to amend the charter of the Charlotte and Fayetteville Plank Road Company;

Senate bill (658) to regulate the sale of spirituous liquors in the town of Henderson;

Senate bill (659) to abolish the office of Adjutant General, the rule being suspended;

Senate bill (660) concerning Haw River in the county of Alamance;

Senate bill (661) to amend the charter of the town of Charlotte, the rule being suspended;

Senate bill (662) to establish the Bank of Murphy, the rule being suspended; and the question, shall this bill pass the second reading, Mr. Scales offered the following amendment, viz:

Be it further enacted, That whenever said bank shall suspend specie payment for ninety days, unless under the advice of the Governor and Council, it shall pay into the public treasury four per cent on the amount it has in circulation at the time of said suspension, to be ascertained on the oath of the Cashier, and collected by the Treasurer of the State.

And it was not adopted.

Mr. Fleming offered the following amendment :

Said bank shall at no time have in circulation more than three times the amount of specie in the vaults, nor more than twice the amount of the capital stock actually paid in.

And the question thereon was put and

Decided in the affirmative—Yeas, 67

Nays, 4

On motion of Mr. Bryan, of New Hanover,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Bridgers, Bryan, of N. H., Bullock, Burke, Caldwell, of G., Cox, of J., Craven, Dancy, Drake, Eller, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gardener, Green, of C., Hall, of R., Hargrove, Henry, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of C., Jones, of O., Lewis, Love, Lyon, McCotter, Martin, Moore, of N. H., Morehead, Newby, Norman, Outlaw, Purdie, Reagan, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speight, Stephens, Tomlinson, Thornburg, Walker, Wallace, Walser, Ward, Watters, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Bryson, Harrington, Pritchard and Speer.

Mr. Jones, of Craven, voted after the roll was called,

And Mr. Gaither, of Iredell, said he had voted in the affirmative, and his name had not been recorded.

Mr. Bridgers offered the following amendment :

Section 16, insert after the word five dollars : “and all notes of a larger denomination shall be ten or its multiple.”

And it was adopted.

Mr. Fleming offered the following amendment :

In any suit to which said bank is a party in interest, and in which the question of usury is involved, the cashier, agent, or other officers of said bank shall be a competent witness against said bank, notwithstanding said cashier, agent, or other officer may be the payee, drawer, endorser, or ac-

ceptor of the bond, note, or bill sought to be avoided or impeached for usury, or which is alleged to be usurious.

And it was not adopted.

The question then was put and

Decided in the affirmative—Yeas, 43

Nays, 22

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Barbee, Brummell, Bryson, Burns, Burke, Costner, Cox, of J., Dickson, Drake, Eller, Fagg, Fleming, Foy, Gaither, of D., Gaither, of I., Gatling, Hall, of W., Hill, of S., Higgins, Holdsclaw, Jones, of O., Love, Lyon, Moore, of N. H., Morehead, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simonton, Simpson, Speer, Thornburg, Walker, Walser, Watters, Wilson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Bryan, of N. H., Caldwell, of G., Craven, Dancy, Ferebee, Fries, Green, of C., Hargrove, Hester, Lewis, Norwood, Outlaw, Pritchard, Purdie, Sanders, Smith, Sparrow, Stephens, Tomlinson, Wallace, Ward and Windley.

Messrs. Barbee, Gaither, of Davie, Fagg, Baird and Costner voted after the roll was called.

The question then being put, "Shall this bill pass the third reading?"

Mr. Fleming offered the following amendment, viz :

In every suit to which said bank is a party in interest in which the question of usury is involved, the cashier, agent, or other officer of said bank shall be a competent witness against said bank, notwithstanding said cashier, agent, or other officer may be the payee, drawer, endorser or acceptor of the bond, note or bill sought to be avoided or impeached for usury, or which is alleged to be usurious.

And it was adopted.

Mr. Walker offered the following amendments :

Amend 12th section by inserting the "1st day of March and the 1st day of September," so as to make the statements quarterly.

Add to said section, "And the said corporation shall publish, at its own expense, a copy of said statements quarterly in two newspapers published in the city of Raleigh."

And they were adopted.

Mr. Scales offered the following amendment.

Be it further enacted. That whenever said bank shall suspend specie payment for ninety days, unless under the advice of the Governor and council, it shall pay into the public treasury (4) four per cent. on the amount in circulation at the time of said suspension, to be ascertained upon the oath of the cashier and collected by the treasurer of the State.

And it was adopted; and so amended, the bill passed the third reading.

Ordered, That it be engrossed and sent to the Senate.

The following other Senate bills also passed the second and third readings, viz :

S. R. 663, concerning the Capitol.

S. 664, bill concerning a turnpike road in the county of Madison.

S. 665, to amend the charter of the town of Asheville.

S. 666, to amend the charter of the Jonathan's Creek and Tennessee Mountain Turnpike Company.

Mr. Costner from the committee No. 1, on enrolled bills, submitted the following report :

The committee on enrolled bills for the week, have examined the following bills and find them correct, and beg leave to report them back to the House as ready for ratification :

An act to prevent the felling of timber in the south fork of the Catawba river in the counties of Catawba, Lincoln and Gaston.

An act to improve the public road from Wilkesboro' to Jefferson by way of Philips' Gap.

An act altering the time of holding the courts of pleas and quarter sessions in the counties of Catawba, Lincoln and Gaston.

An act to amend an act to incorporate the Fayetteville and Western Plankroad Company.

An act to restore the jury trials in Gaston county courts.

An act providing for the hiring out of free negroes in certain cases.

An act to establish a freehold homestead.

An act to incorporate the Dan River Coalfield Railroad Company.

Resolution in favor of R. L. Jones and others.

Resolutions of instructions to the treasurer concerning appropriations and revenue.

Resolution in favor of A. B. Long, Sheriff of Rutherford county.

The Senate resolution (674) in favor of the Doorkeeper being read the second time and the question put,

Mr. Gaither of I., offered the following amendment, viz:

Add at the end of the resolution "for lighting up the Democratic caucus."

The Speaker said the amendment was not pertinent, and was not in order.

Mr. Gaither appealed from this decision and the Chair being sustained; the question was put "Shall the resolution pass?" and

Decided in the affirmative—Yeas, 66

Nays, 16

On motion of Mr. Gaither, of Iredell,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Badham, Baird, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Dancy, Dickson, Drake, Fagg, Faison, Faribault, Farrow, Fleming, Foy, Gatling, Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Hargrove, Henry, Hester, Hill, of S., Higgins, Holdscaw, Hutchins, Jones, of O., Kerr, Kirby, Leffers, Long, Love, Lyon, Moore, of C., Moore, of M., Morehead, Newby, Norman, Outlaw, Pritchard, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Simpson, Smallwood, Sparrow, Speight, Stanford, Stephens, Tomlinson, Walker, Wallace, Walser, Watters, Watson, Whitfield, Wilson, Williams and Woodfin.

And the following in the negative, viz:

Messrs. Burns, Caldwell, of B., Caldwell, of G., Clapp, Dula,

Eller, Ferebee, Gaither, of D., Gaither, of I., McCotter, Morgan, Sanders, Simonton, Smith, Speer and Thornburg.

Messrs. Tomlinson and Bryan, of New Hanover, voted after the roll was called.

The resolution then passed the third reading.

Senate resolution (675) concerning revolutionary half pay being read the second time, and the question put,

Mr. Scales moved the same be laid upon the table, and this question was put, and

Decided in the negative—Yeas, 30

Nays, 33

On motion of Mr. Bryson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Bridgers, Bryan, of N. H., Bullock, Dancy, Fries, Ferebee, Fleming, Foy, Gatling, Green, of F., Hall, of W., Hargrove, Hester, Jones, of O., Leffers, Moore, of M., Moore, of N. H., Morgan, Roney, Scales, Shaw, Sherrill, Simpson, Tomlinson, Wallace, Ward, Watters, Watson, Wilson and Williams.

And the following in the negative, viz :

Messrs. Baird, Benbury, Bryson, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dickson, Dula, Faribault, Farrow, Green, of C., Harrington, Henry, Hutchins, Long, McCotter, Martin, Moore, of C., Norwood, Pritchard, Purdie, Ransom, Sanders, Simonton, Sparrow, Speer, Stephens, Thornburg, Windley and Woodfin.

Mr. Williams voted after the roll was called.

So the House refused to lay the question upon the table, and it recurred, when,

On motion of Mr. Fleming,

The same was indefinitely postponed.

Mr. Ransom having introduced a resolution in favor of the Albemarle and Chesapeake special committee, Mr. Thornburg moved the same be laid upon the table, and this question was put and

Decided in the affirmative—Yeas, 41

Nays, 30

On motion of Mr. Thornburg,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Benbury, Blount, Bryson, Bullock, Burke, Caldwell, of B., Clapp, Cox, of J., Craven, Eller, Farrow, Foy, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Hargrove, Harrington, Hester, Hill, of S., Hutchins, Leffers, Lewis, Long, McCotter, Moore, of C., Norwood, Reeves, Ripley, Sanders, Shaw, Sherrill, Simonton, Speer, Stanford, Stephens, Tomlinson, Thompson, Thornburg and Walser.

And the following in the negative, viz :

Messrs. Badham, Bryan, of C., Bryan, of N. H., Caldwell, of G., Dancy, Drake, Faribault, Ferebee, Fleming, Gatling, Gentry, Higgins, Jones, of C., Kirby, Leak, Love, Martin, Morehead, Morgan, Norman, Outlaw, Pritchard, Ransom, Roney, Scales, Smallwood, Sparrow, Speight, Windley and Woodfin.

Messrs. Higgins, Morgan, Bryan, of N. H., and Speight voted after the roll was called.

Messrs. Stanford, Caldwell, of Guilford, Gatling and Speer changed their votes.

Mr. Holdsclaw presented a recommendation of justices for the county of Watauga.

Ordered to be sent to the Senate, under a suspension of the rules.

Bills, etc., respectively entitled as follows were read and severally referred as follows, viz :

H. 443, Mr. McKay's bill to charter the Fayetteville Savings Bank, passed the third reading.

Ordered to be engrossed and sent to the Senate.

H. 448, Mr. Bryson's bill to alter the line between Jackson and Henderson.

Laid upon the table.

H. 450, the bill of Mr. Woodfin for the better regulation of the western turnpikes, passed the third reading.

Ordered to be engrossed and sent to the Senate.

S. (496) bill concerning the town of Wilmington, passed the third reading.

Ordered to be enrolled.

S. (477) bill to extend the corporate limits of the town of New Berne.

The amendment offered by Mr. Jones, of Craven, upon the second reading, being first stricken out, passed the third reading.

Ordered, To be enrolled.

The calendar being resumed ;

Senate bill (329) to amend Revised Code, chapter 7, section 28, title Attachment, passed the third reading.

Ordered, That it be enrolled.

House bill (330) to charter the Roanoke Steam Navigation Company ;

H. R. 331, favor of Louis Payne of Cherokee ;

H. 332, for the more effectual suppression of the traffic with slaves ;

H. 334, the bill to charter Lenoir Collegiate Institute ; and,

H. 376, the bill to enforce the collection of debts from free negroes ;

H. 384, the bill to charter the Wilmington Water Works, being severally read the third time, passed the third reading.

Ordered, To be engrossed and sent to the Senate.

H. 412, the bill to charter the Relief Bank of North-Carolina ; the question being, shall this bill pass the third reading, was put, and

Decided in the negative—Yeas, 37

Nays, 39

On motion of Mr. Caldwell, of Guilford,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Barbee, Brummell, Bryan, of C., Bryson, Burns, Caldwell, of B., Caldwell, of G., Clapp, Craven, Eller, Farrow, Ferebee, Gaither, of D., Gaither, of I., Green, of C., Harrington, Higgins, Jones, of C., Leffers, Martin, Morehead, Morgan, Reeves, Roney, Sanders, Shaw, Simonton, Sparrow, Smallwood, Speer, Waddill, Walker, Walser, Watson, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Benbury, Bryan, of N. H., Bullock, Cox, of J., Costner, Dancy, Drake, Faribault, Foy, Fries, Gatling, Gentry, Hall, of R., Hall, of W., Hargrove, Henry, Hester, Hutchins, Jones, of O., Kerr, Lewis, Lyon, McCotter, Newby, Norman, Norwood, Pritchard, Purdie, Scales, Sherrill, Stanford, Stephens, Tomlinson, Thornburg, Wallace, Watters, Whitfield and Williams.

Messrs. Hester, Henry, Williams and Fries, (the latter being absent on the business of the House) voted after the roll was called.

Mr. Dula asked and was refused leave to vote.

H. 431, the House bill concerning free negroes, being read the third time and the question put,

Resulted as follows—Yeas, 50

Nays, 17

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Benbury, Bridgers, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burns, Costner, Cox, of J., Dancy, Dickson, Drake, Ferebee, Fries, Gaither, of D., Green, of C., Green, of F., Hall, of W., Hargrove, Harrington, Hester, Higgins, Jones, of C., Jones, of O., Leffers, Lewis, Lyon, McCotter, Moore, of N. H., Norman, Outlaw, Pritchard, Purdie, Reagan, Reeves, Roney, Sanders, Shaw, Simon-ton, Smallwood, Speer, Stanford, Tomlinson, Walser, Ward, Watters, Whitfield and Wilson.

And the following in the negative, viz :

Messrs. Bryson, Burke, Clapp, Dula, Eller, Fleming, Hall, of R., Morehead, Norwood, Sherrill, Simpson, Sparrow, Stephens, Thornburg, Wallace, Windley and Woodfin.

Messrs. Dula, Bridgers, Fleming and Hall, of Rowan, voted after the roll was called.

Messrs. Bryan, of New Hanover, and Moore, of New Han-over, changed their votes.

Mr. Williams from the committee on enrolled bills, submitted the following report, viz :

The committee on enrolled bills have examined the following bills and find them correct, to wit:

An act to authorize the Fayetteville and Albemarle Plankroad Company to establish a public ferry on the Pee Dee river, in the counties of Montgomery and Stanly.

An act to settle the dividing line between the counties of Wayne and Wilson.

An act to require the sheriffs of Anson, Union and Richmond counties, to give bond for the collection of taxes for railroad purposes.

An act to increase the libraries of the Senate and House of Commons, and for other purposes.

An act to empower the sureties of E. L. Allen, a recent sheriff of Polk county, to collect arrears of taxes.

An act to incorporate Unanimity Lodge, No. 7, in the town of Edenton.

And that they are ready to be signed by the Speaker.

Mr. Henry, from the same committee, submitted the following report:

The committee on enrolled bills have examined the following bills and resolutions and find them correct, to wit:

An act to incorporate Bascom Lodge, in the county of Buncombe.

An act to incorporate the town of Leicester, in the county of Buncombe.

An act to incorporate the Mechanics and Farmer's Institute, located in the town of Asheville.

An act to amend an act entitled an act to establish a superior court for the county of Harnett.

An act to amend an act entitled an act supplemental to an act to establish a new county by the name of Harnett.

An act to incorporate the Howard Relief Fire Engine Company in the town of Wilmington.

A resolution in favor of R. J. Mitchell, of Granville.

An act to amend an act entitled an act to appoint commissioners to lay off and improve the public road leading from Brown's ford on the Yadkin in Wilkes county, passed at the session of 1854-'55.

An act to amend the 28th section of the 7th chapter of revised code.

An act to appoint a special magistrate for the county of Rowan.

An act to amend the charter of the town of Charlotte.

A resolution concerning the Capitol.

An act to limit the powers of the constables for the counties of Cherokee and Robeson.

And that they are ready for the signature of the Speaker.

On motion of Mr. Fleming,

The House considered the bill (628) from the special committee, for the relief of the Atlantic and North-Carolina railroad.

And the same being read, passed the second and third readings.

Ordered, To be engrossed and sent to the Senate.

S. 667, bill to amend the charter of the Charlotte and Taylorsville Plankroad Company, passed the second and third readings.

Ordered, To be enrolled.

And then the hour for adjournment having arrived, the House adjourned.

THREE O'CLOCK—WEDNESDAY, FEBRUARY 16, 1859.

The House having reassembled,

Mr. Outlaw introduced a bill (668) to extend the charter of the bank of the State of North-Carolina until 1863, upon certain conditions. And the rule being suspended, the same was read the second time, and the question put, when Mr. Norwood offered the following amendment:

Be it further enacted, That this act shall not take effect, provided the corporation under the charter of the bank of North-Carolina shall organize, on or before the 1st of July next.

And it being adopted, the question recurred, when Mr.

Fries moved the same be postponed until 8 o'clock this evening; and this question was put, and

Decided in the negative—Yeas, 36

Nays, 44

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Barbee, Bullock, Caldwell, of B., Clapp, Dula, Fagg, Faribault, Farrow, Fries, Gaither, of D., Gaither, of I., Gatling, Green, of F., Hargrove, Harrington, Hutchins, Higgins, Jones, of O., Love, Lyon, McCotter, Reeves, Roney, Sanders, Scales, Shaw, Sherrill, Smith, Speer, Speight, Stanford, Stephens, Tomlinson, Wallace, Watters and Wilson.

And the following in the negative, viz:

Messrs. Badham, Baird, Benbury, Blount, Brummell, Bryan, of N. H., Bryson, Burke, Caldwell, of G., Craven, Dancy, Drake, Eller, Faison, Ferebee, Fleming, Gentry, Green, of C., Hall, of W., Henry, Hester, Hill, of S., Jones, of C., Leffers, Lewis, Martin, Moore, of M., Morehead, Newby, Norman, Norwood, Outlaw, Pritchard, Purdie, Ripley, Smallwood, Simpson, Sparrow, Thornburg, Walser, Ward, Whitfield, Williams and Woodfin.

So the House refused indefinitely to postpone, and the question recurred, and was put, and

Decided in the negative—Yeas, 20

Nays, 63

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Bryson, Caldwell, of G., Ferebee, Henry, Jones, of C., Jones, of O., Kerr, Moore, of M., Newby, Norwood, Outlaw, Pritchard, Purdie, Sherrill, Smallwood, Stanford, Wallace, Ward and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Barbee, Blount, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burke, Caldwell, of B., Clapp, Craven, Dancy, Dickson, Drake, Dula, Eller, Faison, Faribault, Farrow, Fleming, Fries, Gaither, of D., Gaither, of I., Gatling,

Gentry, Green, of C., Green, of F., Hall, of R., Hall, of W., Hargrove, Harrington, Hester, Hill, of S., Higgins, Hutchins, Leffers, Lewis, Love, Lyon, McCotter, Martin, Morehead, Reeves, Ripley, Roney, Sanders, Scales, Shaw, Simpson, Smith, Sparrow, Speer, Speight, Stephens, Tomlinson, Thornburg, Walker, Walser, Whitfield, Wilson, Williams and Woodfin.

Mr. Smith moved that a message be sent to the Senate proposing that for the remainder of the session all engrossed bills from either House, when passed by the other, without amendment, may be ratified by the Speakers without enrollment; *Provided*, Said bills shall be examined and certified by the enrolling committees.

And it was adopted and the message sent accordingly; whereupon

The Senate informed the House of their concurrence therein, and on their part proposed that the joint rule 5, regarding all bills, etc., to be engrossed under the direction of the principal clerk of each House be also rescinded, and the House concurred therein.

The House having taken up bills, etc., for the second reading, the following proceedings were had:

H. 370, Mr. Caldwell's bill to repeal Revised Code, chapter 79, Ordinaries and Inns.

Laid upon the table.

H. 421, Mr. Reeves' bill to charter the Greenleaf Manufacturing Compay, passed the second and third readings.

Ordered to be engrossed and sent to the Senate.

H. 437, Mr. Baxter's bill to amend an act concerning wild fowl in the county of Currituck.

On motion of Mr. Speer,

Laid upon the table.

H. 465, Mr. Bryson's bill to alter the line between Macon and Jackson, passed the second and third readings.

Ordered to be engrossed and sent to the Senate.

H. 471, Mr. Holdsclaw's bill to alter the line of Watauga county.

Laid upon the table.

S. (47) bill concerning executors and administrators.

On motion of Mr. Outlaw,

Laid upon the table.

H. 483, Mr. Moore's bill to alter the constitution.

On motion of Mr. Outlaw,

Laid upon the table.

H. 487, Mr. Burke's bill concerning justices of the peace, did not pass the second reading.

S. 502, Senate bill concerning Mt. Vernon Male and Female Academy.

On motion of Mr. Moore, of Martin,

Laid upon the table.

H. 513, Mr. Smith's bill to amend Revised Code, chapter 26, title Corporations, passed the second and third readings.

Ordered to be sent to the Senate.

H. 518, Mr. Outlaw's bill to amend the style of the supreme court, and for other purposes, being read the second time,

Mr. Hargrove moved the same be indefinitely postponed, upon which

Mr. Jones, of Orange, moved the yeas and nays be ordered when

Mr. Dancy moved the same be laid upon the table.

And this question was put and

Decided in the affirmative—Yeas, 54

Nays, 19

On motion of Mr. Jones, of Orange,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Bryan, of N. H., Bryson, Bullock, Burke, Caldwell, of B., Cox, of J., Craven, Drake, Dula, Fagg, Faribault, Fleming, Foy, Green, of C., Hall, of R., Hargrove, Harrington, Hester, Higgins, Jones, of O., Kirby, Leffers, Lewis, Long, Lyon, McCotter, Martin, Moore, of C., Morgan, Newby, Norwood, Pritchard, Purdie, Ripley, Roney, Sanders, Sherrill, Sparrow, Speer, Speight, Stanford, Stephens, Thornburg, Walker, Wallace, Ward, Watters, Watson, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Badham, Bridgers, Bryan, of C., Burns, Dancy, Dickson, Faison, Ferebee, Hutchins, Kerr, Love, Morehead, Norman, Outlaw, Reeves, Shaw, Smith and Whitfield.

Mr. Clapp asked and was refused leave to vote.

Messrs. Bullock and Ferebee changed their votes.

The Senate resolution (634) for heating the Senate chamber and hall of Commons, was,

On motion of Mr. Hargrove,

Indefinitely postponed.

H. 540, Mr. Meares' bill to increase the number of inspectors in Wilmington, passed the second and third readings, and was sent to the Senate.

The Senate resolution (547) in favor of Edward Kidder, passed the second and third readings.

Ordered, To be enrolled.

The Senate resolution (549) in favor of W. F. Steed and H. Julian, passed the second third readings.

Ordered, To be enrolled.

The Senate resolution (550) in favor of George M. Sledge, passed the second and third readings.

Ordered, To be enrolled.

Senate bill (564) concerning pilots at Ocracoke, was passed on informally.

H. R. 586, Mr. Drake's resolution in favor of W. W. Hind, was,

On motion of Mr. Bryan, of Craven,

Laid upon the table.

S. 625, Senate bill to repeal an act concerning a public road in Davie and Davidson, passed the second reading.

S. 632, Senate bill to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company, passed the second and third readings.

Senate bill (633) to extend the time for payment of certain entries, passed the second and third readings.

Senate bill (634) to authorize a further subscription to the capital stock of the Albemarle and Chesapeake Canal Company.

The question being put, "shall this bill pass the third reading?"

Resulted as follows—Yeas, 37

Nays, 49

On motion of Mr. Lewis,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Benbury, Bryan, of C., Bryan, of N. H., Bryson, Dancy, Dickson, Drake, Eller, Faribault, Ferebee, Foy, Gatling, Green, of C., Hall, of W., Henry, Jones, of O., Kerr, Leffers, Long, Love, Martin, Morgan, Newby, Norman, Norwood, Outlaw, Ransom, Smallwood, Smith, Stanford, Walker, Ward, Watters, Watson, Williams and Woodfin.

And the following in the negative, viz :

Messrs. Baird, Blount, Bridgers, Bullock, Caldwell, of B., Caldwell, of G., Clapp, Dula, Fagg, Farrow, Fleming, Fries, Gaither, of D., Gaither, of I., Gentry, Green, of F., Hall, of R., Hargrove, Harrington, Hester, Higgins, Holdsclaw, Hutchins, Jones, of C., Kirby, Lewis, Lyon, McCotter, Martin, Moore, of M., Morehead, Pritchard, Purdie, Reeves, Ripley, Roney, Sanders, Scales, Sherrill, Simonton, Simpson, Speer, Speight, Stephens, Tomlinson, Thornburg, Wallace, Whitfield, Wilson and Windley.

Messrs. Jones, of Craven, Fleming, Pritchard, Baird, McCotter, Gaither, of Iredell, Fagg, Bryson, Walker and Morgan voted after the roll was called, and Mr. Moore, of M., changed his vote.

Mr. Barbee, in favor of the bill, paired off with Mr. Masten, and Mr. Moore, of Chatham, with Mr. Chambers.

Mr. Burke and Mr. Hill, of Stokes, opposed to the bill, paired off with Messrs. Gardener and Baxter.

Senate bill (636) to give the United States the right to purchase land for a Pest House, &c.; passed the second and third readings.

Senate bill (639) in favor of Thomas T. Patton, of Buncombe, passed the second and third readings.

Senate bill (640) to establish a Turnpike Road in Polk and Boncombe, passed the second and third readings.

Senate bill (641) concerning the Wilmington and Weldon Railroad Company, being read the second time and the question put, Mr. Gaither, of Iredell, moved the same be laid upon the table, upon which Mr. Outlaw having moved the yeas and nays be ordered, the motion was withdrawn. Mr. Morehead then moved the bill be indefinitely postponed and this question was put, and

Decided in the affirmative—Yeas, 47

Nays, 34

On motion of Mr. Morehead,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Brummell, Burns, Burke, Caldwell, of B., Caldwell, of G., Clapp, Craven, Dula, Eller, Farrow, Fleming, Gaither, of D., Gaither, of I., Green, of C., Hall, of R., Hargrove, Harrington, Hester, Higgins, Holdscaw, Hutchins, Jones of C., Jones, of O., Kerr, McCotter, Martin, Morehead, Morgan, Norwood, Pritchard, Purdie, Reeves, Roney, Scales, Sanders, Shaw, Sherrill, Simonton, Simpson, Speer, Stephens, Tomlinson, Thornburg, Wallace, Walser, Wilson and Windley.

And the following in the negative, viz :

Messrs. Barbee, Bridgers, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Dancy, Dickson, Drake, Faison, Faribault, Ferebee, Foy, Green, of F., Hall, of W., Hill, of S., Kirby, Leffers, Long, Love, Moore, of C., Newby, Norman, Outlaw, Ransom, Smallwood, Sparrow, Speight, Stanford, Watters, Whitfield, Williams and Woodfin.

After the roll was called, Messrs. Jones, of Orange, and Gaither, of Iredell, changed their votes, and

Messrs. Moore, of Chathan, Gaither, of Davie, Bryson, Faribault, Tomlinson and Reeves, and Purdie, Speight and Williams, the last named being absent on the enrolling committee, were allowed to vote.

Senate bill (642) to amend the charter of Rich Mountain Turnpike Company, in Haywood county; and the

Senate bill (643) concerning bridges and buoys, passed the second and third readings.

On motion of Mr. Williams,

The House then considered the

Senate bill (638) to enlarge and improve the buildings of the Deaf and Dumb Asylum; there being counted in favor of that motion yeas 32, nays 22.

And no quorum voting, Mr. Watson moved the yeas and nays be ordered.

Pending which, the hour for the adjournment arrived, and The House adjourned.

NIGHT SESSION—WENESDAY, FEBRUARY 16, 1859.

Mr. Outlaw filed with the clerk of the House the following protest:

"The undersigned, members of the House of Commons, availing themselves of the right, secured to them by the constitution, do solemnly protest against the action of this House in relation to the appointment of trustees of the University.

"First. Because the said election was made in obedience to the dictates of a party caucus, and that institution, founded by the constitution for the education of the youth of the State, and for the promotion of letters, has thus, as far as this House could effect it, been made a party machine.

"Secondly. Because it is calculated to impair the usefulness, injure the character, and bring loss to the University, inasmuch as the inevitable and necessary tendency of such action is to cause those who have any self-respect and are opposed to the dominant party, to withdraw their sons from that institution.

"Thirdly. Because there was no election constitutionally and legally made, no quorum of the Senate voting in the election, and the constitution of the State expressly requiring the presence of a majority of each house of the General Assembly, to authorize it to perform any official act, except to adjourn, or compel the attendance of members who absent themselves."

Signed, DAVID OUTLAW, D. D. FEREBEE, A. H. MARTIN,
W. H. A. SPEER, P. T. HENRY, P. ELLER, N. NEWBY,
HENRY WALSER, A. K. SIMONTON, JNO. A. BENBURY,
A. B. F. GAITHER, JACOB MCCOTTER, T. SPARROW, TOD
R. CALDWELL, D. F. CALDWELL, ABR'M CLAPP

Mr. Simpson presented the recommendation of certain justices for the county of Rockingham.

Mr. Ward recommended others for the county of Duplin.

Ordered, To be sent to the Senate.

The House resumed the consideration of the Senate bill, 638, to enlarge and improve the buildings of the Deaf, Dumb and Blind Asylum. The question "shall this bill pass the third reading?" was put, and

Decided in the affirmative—Yeas, 68

Nays, 4

On motion of Mr. Watson,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Badham, Baird, Benbury, Brummell, Bryan, of C., Bryan, of N. H., Bullock, Burke, Caldwell, of B., Caldwell, of G., Clapp, Dancy, Dickson, Drake, Fagg, Faison, Farrow, Ferebee, Fleming, Foy, Gaither, of D., Gaither, of I., Gatling, Gentry, Hall, of R., Hall, of W., Harrington, Henry, Hester, Hill, of S., Higgins, Hutchins, Jones, of C., Jones, of O., Kerr, Kirby, Long, Love, Martin, Moore, of N. H., Morehead, Newby, Norwood, Outlaw, Pritchard, Ransom, Reeves, Ripley, Sanders, Scales, Shaw, Sherrill, Simonton, Simpson, Smallwood, Sparrow, Speer, Speight, Stanford, Stephens, Tomlinson, Thornburg, Walser, Ward, Wilson, Williams, Windley and Woodfin.

And the following in the negative, viz :

Messrs. Blount, Bryson, Hargrove and Watson.

Messrs. Clapp and Gaither of Iredell, voted after the roll was called.

Ordered, That it be enrolled.

The following messages were received from the Senate :—
One informing the House of the passage of the bill to amend the charter of the Farmer's Bank of North-Carolina, with an amendment, in which the House concurred ; also of the passage of the bill to appoint a tax collector for Robeson, Bladen and Craven, with an amendment striking out the latter, in which the House concurred ; also of the bill to extend the limits of the town of Williamston with an amendment, in

which the House concurred ; also the bill to incorporate the Hillsboro' Savings Bank with an amendment, in which the House concurred ; also the bill to charter the Fayetteville branch of the Wilmington and Weldon Railroad with an amendment striking out the 14th section, in which the House concurred ; also proposing to extend the time for the adjournment to 12 o'clock of Thursday, in which the House did not concur ; also informing the House of the passage in that body of the bill to establish the county of Lillington with the following amendment, in which the House concurred :

Provided, That unless the act is ratified at the ballot-box, by two-thirds of the qualified voters of Rocky Point precinct, in the county of New Hanover, at the regular election to be held for that purpose, then the same shall be deemed to be rejected by the said precinct ; and it shall be and continue as a part of the county of New Hanover.

The Senate further informed the House that they concurred in the House amendments to the bill to change the time for holding the courts of Ashe county ; also to the House amendments to the bill to establish the Bank of Lexington.

The House then considered the bill of the Senate (564) concerning pilots at Ocracoke. And the same being read the second time and the question put,

Mr. Thornburg moved the same be laid upon the table ; and it was not adopted.

Mr. Newby moved the same be indefinitely postponed, and the question was put and

Decided in the negative—Yeas, 23

Nays, 45

On motion of Mr. Outlaw,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Brummell, Caldwell, of B., Clapp, Craven, Eller, Farrow, Ferebee, Gaither, of L., Gentry, Green, of C., McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Stephens, Thornburg and Windley.

And the following in the negative, viz :

Messrs. Badham, Baird, Bryan, of N. H., Bryson, Bullock, Burke, Cox, of J., Dancy, Drake, Dula, Fagg, Faribault, Fleming, Foy, Gatling, Green, of F., Hall, of R., Hargrove, Hester, Hill, of S., Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Long, Lyon, Moore, of C., Norman, Pritchard, Ransom, Reeves, Ripley, Roney, Scales, Shaw, Sherrill, Smallwood, Speight, Stanford, Wallace, Watson, Whitfield, Wilson and Williams.

So the House refused to postpone indefinitely the question, and it recurred, when Mr. Sparrow offered the following amendment:

Provided, That pilots living at Hatteras and Ocracoke, shall be permitted to pilot vessels over Beaufort bar.

And the question thereon was put, and

Decided in the negative—Yeas, 25

Nays, 44

On motion of Mr. Sparrow,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Brummell, Caldwell, of B., Clapp, Dula, Farrow, Gaither, of D., Gaither, of I., Green of C., Kerr, McCotter, Martin, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Shaw, Simonton, Sparrow, Speer, Stanford, Thornburg and Windley.

And the following in the negative, viz:

Messrs. Badham, Baird, Bryan, of C., Bryan, of N. H., Bryson, Bullock, Burke, Cox, of J., Craven, Dancy, Drake, Fagg, Faribault, Foy, Green, of F., Hall, of R., Hall, of W., Hargrove, Hester, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Long, Lyon, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Reeves, Ripley, Scales, Sherrill, Simpson, Speight, Stephens, Tomlinson, Wallace, Watson, Whitfield, Wilson and Williams.

Mr. Bridgers was refused leave to vote.

Messrs. Reeves, Kerr, Moore, of Chatham, and Bryan, of Craven, voted after the roll was called.

Mr. Dancy and Watson changed their votes.

The question recurring upon the bill, Mr. Smith, from the

committee on enrolled bills, submitted the following report:

The committee on enrolled bills have examined and found to be correct a resolution entitled: A resolution in favor of Esley Staly, sheriff of Wilkes county, and herewith report the same, as engrossed, back to the House.

Mr. Outlaw moved the bill under consideration be laid up on the table, and this question was put, and

Decided in the negative—Yeas, 35

Nays, 46

On motion of Mr. Windley,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Burns, Clapp, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gentry, Green, of C., Green, of F., Kerr, McCotter, Martin, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Sparrow, Speer, Stephens, Thornburg and Windley.

And the following in the negative, viz:

Messrs. Badham, Bryan, of N. H., Bryson, Bullock, Burke, Cox, of J., Dancy, Dickson, Drake, Dula, Faison, Faribault, Fleming, Foy, Hall, of R., Hargrove, Hester, Jones, of C., Jones, of O., Kirby, Leffers, Lewis, Long, Lyon, Moore, of C., Moore, of M., Norman, Norwood, Ransom, Reeves, Roney, Scales, Shaw, Speight, Stanford, Tomlinson, Wallace, Watson, Whitfield, Wilson and Williams.

Mr. Caldwell, of Burke, then moved the bill be postponed until the 14th April, and this question was put, and

Decided in the negative—Yeas, 30

Nays, 32

On motion of Mr. Caldwell, of Burke,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bryan, of N. H., Burns, Caldwell, of B., Dula, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gentry, Green, of C., Harrington, Hill, of S., Kerr, McCotter, Martin, Morgan, Newby, Outlaw, Sanders, Simonton, Smith, Sparrow, Speer, Stephens, Tomlinson, Thornburg, Walker, Ward, Watson and Windley.

And the following in the negative, viz :

Messrs. Badham, Bryan, of C., Bryson, Bullock, Cox, of J., Dancy, Faison, Faribault, Fleming, Foy, Hall, of R., Hargrove, Hester, Higgins, Jones, of C., Jones, of O., Kirby, Leffers, Long, Lyon, Moore, of C., Moore, of M., Moore, of N. H., Norman, Pritchard, Ransom, Reeves, Roney, Scales, Speight, Stanford and Wilson.

Messrs. Gaither, of Davie, Kirby, and Green, of Chatham, voted after the roll was called.

Mr. Gaither, of Iredell, moved that the bill be postponed until the 4th of March.

Mr. Newby moved that the latter motion be laid upon the table, and it was not adopted.

Mr. Speer moved to amend the pending amendment by striking out the 4th of March and inserting the 15th April.

And it being adopted the question was put upon the the amendment and

Decided in the negative—Yeas, 27

Nays, 43

On motion of Mr. Newby,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Brummell, Bryson, Caldwell, of B., Clapp, Craven, Farrow, Ferebee, Gaither, of D., Gaither, of I., Gentry, Green, of C., Kerr, McCotter, Morehead, Morgan, Newby, Outlaw, Purdie, Sanders, Simonton, Smith, Sparrow, Speer, Stephens, Thornburg and Windley.

And the following in the negative, viz :

Messrs. Badham, Bridgers, Bryan, of C., Bryan, of N. H., Bullock, Burke, Cox, of J., Dancy, Dickson, Drake, Dula, Faison, Faribault, Fleming, Foy, Hall, of R., Hargrove, Hester, Hutchins, Jones, of C., Jones, of O., Leffers, Lewis, Long, Lyon, Moore, of C., Moore, of M., Moore, of N. H., Norman, Norwood, Pritchard, Reagan, Reeves, Ripley, Roney, Scales, Speer, Speight, Stanford, Walser, Watson, Whitfield, Wilson and Williams.

The question recurred, and it being 10 o'clock,

Mr. Outlaw moved the House adjourn. And

The Speaker said the motion was not in order.

Mr. Outlaw moved the bill be laid upon the table.

Mr. Caldwell, of Guilford, called for the yeas and nays thereon, when

Mr. Outlaw withdrew the motion.

Mr. Norwood moved the bill be postponed until the 20th of April.

This motion, the Speaker said, was not in order.

At 10 o'clock and 30m., Mr. Bryson moved the House adjourn until 10 A. M.

The Speaker said this motion was not in order.

Mr. Pritchard moved there be a call of the House, and this question was put and

Decided in the negative—Yeas, 31

Nays, 31

On motion of Mr. Pritchard,

The yeas and nays being ordered, the following voted in the affirmative, viz.

Messrs. Badham, Bryan, of C., Burns, Cox, of J., Dancy, Dickson, Drake, Faribault, Farrow, Foy, Gaither, of I., Harrington, Hutchins, Jones, of C., Leffers, Martin, Morehead, Morgan, Newby, Outlaw, Pritchard, Reeves, Scales, Simon-ton, Smith, Speer, Speight, Tomlinson, Thornburg and Wilson.

And the following in the negative, viz:

Messrs. Bryson, Bullock, Caldwell, of B., Clapp, Craven, Ferebee, Green, of C., Hargrove, Hester, Higgins, Kerr, Kirby, Lyon, McCotter, Moore, of N. H., Norman, Norwood, Purdie, Ripley, Roney, Sanders, Shaw, Sherrill, Simpson, Sparrow, Stanford, Stephens, Ward, Watson, Williams, Windley and Woodfin.

The question recurring upon the passage of the bill, Mr. Bridgers moved the same be laid upon the table, and this question was put, and

Decided in the affirmative—Yeas, 37

Nays, 27

On motion of Mr. Scales,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Bridgers, Bryan, of N. H., Bryson, Clapp, Craven, Farrow, Ferebee, Gaither of D., Gaither, of I., Green, of C., Harrington, Higgins, McCotter, Morehead, Morgan, Newby, Norwood, Outlaw, Pritchard, Sanders, Shaw, Sherrill, Simpson, Simonton, Smith, Sparrow, Speer, Stephens, Tomlinson, Thornburg, Walker, Ward, Watters, Watson, Windley and Woodfin.

And the following in the negative, viz:

Messrs. Badham, Bryan, of C., Bullock, Burns, Burke, Cox, of J., Dancy, Dula, Faison, Faribault, Fleming, Foy, Hester, Hargrove, Hutchins, Jones, of C., Kirby, Leffers, Long, Lyon, Norman, Ransom, Reeves, Scales, Speight, Stanford and Wilson.

Messrs. Pritchard, Faison and Speer voted. after the roll was called.

At 11 o'clock 40m., Mr. Burns moved the House adjourn until 6 o'clock, A. M.

Mr. Fleming called for the yeas and nays thereon, and the motion was withdrawn.

Mr. Dancy offered the following resolution:

Resolved, That a message be sent to the Senate proposing to extend the time for the two Houses to adjourn till 2 o'clock, P. M., Thursday the 17th.

Mr. Hester called for the yeas and nays thereon.

Mr. Baird moved the resolution be laid upon the table, and this question was put, and

Decided in the affirmative—Yeas, 42

Nays, 22

On motion of Mr. Baird,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Baird, Benbury, Bullock, Burns, Burke, Caldwell, of B., Craven, Dickson, Dula, Fagg, Faribault, Farrow, Ferebee, Foy, Green, of C., Hall, of W., Hargrove, Harrington, Henry, Hester, Higgins, Long, Lyon, McCotter, Martin, Morgan, Newby, Norman, Outlaw, Pritchard, Purdie, Roney, Sanders, Sherrill, Simonton, Simpson, Smith, Stephens, Thornburg, Watters, Whitfield and Windley.

And the following in the negative, viz:

Messrs. Bridgers, Caldwell, of G., Dancy, Eller, Fleming, Green, of F., Hutchins, Jones, of O., Leffers, Love, Moore, of C., Morehead, Norwood, Scales, Shaw, Sparrow, Speer, Tomlinson, Ward, Williams and Woodfin.

Mr. Williams introduced the following resolution:

Resolved, That the thanks of this House be, and the same are hereby, tendered to Messrs. Cantwell and Howard, for the very efficient manner in which they have discharged the duties of their offices.

And it was unanimously adopted.

Mr. Williams, from the committee on enrolled bills, submitted the following report:

The committee on enrolled bills and resolutions, have examined the following and find them correct:

A resolution in favor of Col. A. Watson, of Robeson county.

A resolution in favor of Shepherd D. Mercer.

A resolution in favor of Norwood, Barker & Co.

A resolution in favor of W. L. Pomeroy.

A resolution in favor of Letty Ann Ray.

An act for the regulation of Elizabeth Town, in the county of Bladen.

An act to amend the charter of the Greenville and French Broad Railroad.

Mr. Watters, from the same committee, reported as follows:

We, the committee on enrolled bills for the present week, beg leave to report that we have examined the following bills and resolutions and find them correct:

An act to amend the charter of the Taylorsville Plankroad Company.

An act to repeal a portion of the 9th section of the 70th chapter of the Revised Code, entitled Militia.

An act concerning common schools.

An act concerning the powers of county courts.

A resolution in favor of William A. Walton, of Rowan.

A resolution in favor of the decisions of the supreme court.

Mr. Fries, from the same committee, reported as follows:

The committee on enrolled bills, have examined the following and find them correct :

An act to regulate the retailers of spirituous liquors in the counties of Buncombe and Henderson.

An act to authorize the sale of bonds of the State for certain purposes.

Resolution in favor of the trustees of Polk county.

An act to amend the charter of the Sulphur Springs and Paint Rock Turnpike Company.

An act to establish a turnpike road in the counties of Henderson and Polk.

An act concerning Haw river, in Alamance county.

An act to amend the charter of the Rich Mountain Turnpike Company.

An act to declare portions of the Uwharrie river a sufficient stream for a lawful fence.

A resolution in favor of William Green, sheriff of Haywood county.

An act assenting to the purchase by the United States, of a certain parcel of land on the Cape Fear river as a site for a pest house.

An act to extend the time of payment of certain entries. 3

An act to secure bridges from damage from vessels and other craft, and for protecting the buoys, stakes and beacons in the navigation of this State.

An act to open the Catawba river for the free passage of fish.

An act to establish the Miner's and Planter's Bank at Murphy, in the county of Cherokee.

Resolution to provide for a commission to examine into the management and prospects of the Atlantic and North-Carolina Railroad Company.

Resolution in favor of the clerks.

An act to incorporate the Medical Society of North-Carolina, and a board of examiners.

An act to incorporate the Western North-Carolina Agricultural Society.

An act to alter the 92d regiment of North-Carolina Militia.

An act to pay jurors in Jackson county.

An act to facilitate the collection on real estate.

An act to amend 17th section of chapter of the revised code, entitled Wills and Testaments.

Resolution in favor of John Wilson, of Alamance county.

Ad act entitled Revenue.

An act to authorize the incorporation of companies for agricultural or grazing purposes.

An act to incorporate the Lizzarddale Copper Company.

An act to incorporate the Cambridge Copper Company.

An act to enlarge and improve the buildings of the Deaf and Dumb and Blind Asylum.

An act to amend the charter of the Bank of Cape Fear.

An act concerning the town of Wilmington.

An act to incorporate Mars' Hill College, in the county of Madison.

An act to incorporate Carolina City Steam Navigation Company.

An act for the relief of common school district, No. 27, in Orange, and No. 20 in Wake.

An act to amend the charter of the Jonathan Creek and Tennessee Mountain Turnpike Company.

An act to incorporate the Fayetteville North-Carolina Savings Bank.

An act to provide for *feme covert* lunatics, abandoned by their husbands.

An act to prevent obstructions in Swift creek in Edgecombe county.

An act to prevent the sale of spirituous liquors to free persons of color.

An act to lay off two roads.

An act concerning the traffic of spirituous liquors in the town of Asheville.

An act to authorize the making of a turnpike road in the counties of Buncombe and Madison.

A resolution in favor of the Doorkeepers.

An act to appoint a special magistrate for the town of Beaufort, in Carteret county.

Mr. Henry, from the same committee, reported as follows, viz :

The committee on enrolled bills report that they have examined the following to wit :

An act to amend an act entitled an act to appoint commissioners to lay off and improve the road leading from Brown's ford, on the Yadkin, in Wilkes county, passed at the session of 1854-'55 ; and

An act to incorporate the Lower Little River and Crane's Creek Navigation Company, and find them correct.

In connection with the above the committee have examined the act to establish the Bank of Commerce and find it correct ; also

An act to incorporate the Beaufort Steam Ferry Boat Company.

Mr. Williams, from the same committee, submitted the following report :

The committee on enrolled bills have examined the following and find them correct :

An act to amend the charter of the Farmers' Bank of North-Carolina ;

An act to charter the Steward's Gold Mining Company ;

An act to amend an act authorizing the making of a turnpike road in the county of Henderson ;

An act to authorize Thomas T. Patton to establish a turnpike road in the counties of Buncombe and Yancey ;

A resolution in favor of John J. Johnson ;

A resolution in favor of James Conolly ;

A resolution in favor of W. J. Brown ;

A resolution in favor of Joshua R. Hall, of Cherokee county ;

A resolution in favor of the clerks ;

A resolution in favor of Polly Pinner ;

An act to establish a freehold homestead ;

An act to change the times of holding the county courts of Ashe county ;

An act to incorporate the Winston Female Seminary ;

An act to incorporate the town of Webster in the county of Jackson ;

A resolution requiring the Secretary of State to have printed and distributed copies of an act entitled Revenue ;

An act to incorporate the Trustees of Reynoldson Male Institute, in the county of Gates ;

An act concerning Pilots and Pilotage for Beaufort Harbor and the waters adjacent thereto ;

An act to incorporate the Washington and Leaksville Railroad Company ;

An act to incorporate the Beaufort and Hyde Steamboat Company ;

An act to amend the charter of the town of Salisbury ;

An act to increase the pay of Witnesses in Lenoir county ;

An act to incorporate the Green Monument Association.

An act to incorporate the Sapano Coal and Iron Company ;

An act for the better security of titles to land and other property ;

An act to authorize St. Pauls Church at Beaufort, to purchase land for a Cemetery ;

An act to protect the interest of North-Carolina, in the Cape Fear and Deep River Navigation Company ;

An act to extend the corporate limits of the town of Williamston and other purposes ;

An act to establish the Bank of North-Carolina ;

An act to appoint Tax Collectors in the counties of Robeson, Bladen and Craven ;

An act to prevent the sale of adulterated alcoholic liquors ;

An act to incorporate the Bank of Lexington ;

A resolution in favor of Margeret Gardner ;

A resolution in favor of Joseph N. Long, of Ashe county ;

An act to amend chapter 100 of Revised Code, entitled Rivers and Creeks ;

A resolution in favor of Drury King ;

An act to incorporate Uwharrie Lodge, No. 58, in the county of Randolph ;

A resolution in favor of Calvin Evans of Pitt county ;

A resolution in favor of James F. Jenkins ;

An act to incorporate the North-Carolina Agricultural Society.

Mr. Simpson, from the same committee reported as follows, viz:

The committee on enrolled bills have examined the following and found them correct, and beg leave to report as follows:

An act to provide for the maintainance of the Insane Asylum, and for other purposes;

An act to exempt members of the Fire department in the town of Washington from jury duty;

A resolution concerning the publication of the Documentary History of North-Carolina;

An act to authorize the joinder of certain causes in actions of law;

An act to amend the 9th chapter of the Revised Code, entitled Public Buildings;

An act to change the time of holding one of the terms of the Supreme court of the city of Raleigh;

An act to establish a public road in the county of Madison;

A bill to amend an act, entitled an act, to appoint commissioners to lay off and improve the public road, leading from Brown's Ford an the Yadkin, in Wilkes county, passed at the session of 1854-'55;

A bill to extend the corporate limits of the town of New-Berne, and for the better regulation of the same;

An act to amend the 70th chapter, and 8th section of the Revised Code;

A resolution in favor of certain entries in Cherokee county.

Mr. Norwood, from the same committee, submitted the following reports:

The committee on enrolled bills and resolutions have examined the following, and find them correct, to-wit:

An act to encourage the formation of a military company in Wilmington, N. C.;

A resolution in favor of Jno. Ward, of Caswell;

A resolution in favor of Edward Kidder;

An act to incorporate the Washington Gaslight Company.

A resolution in favor of George R. Sledge ;

A bill to repeal an act, entitled an act to lay off and establish a public road in the counties of Davie and Davidson, and to establish a ferry across Yadkin river ;

An act to revive the charter of a company to construct a railroad from Beaufort Harbor to Fayetteville, passed at the session of 1854-'55 ;

A resolution to pay the legal representatives of Henry Powell, deceased, the amount due him as teacher in school district in Davie county ;

A resolution in favor of William Thompson ;

An act to further regulate the inspection of flour in this State ;

A bill to incorporate the Coal Mining Company ;

An act to incorporate the Old Topsail Steamboat and Navigation Company ;

An act to incorporate the Fayetteville Branch of the Wilmington and Weldon Railroad Company ;

A resolution of instruction to the treasurer concerning appropriations and the revenue ;

A bill to fix the times of holding the courts of pleas and quarter sessions of Watauga county ;

An act to amend the charter of the Farmer's bank of North Carolina ;

An act for the better regulation of the town of Smithville, in Brunswick county ;

An act to incorporate the Hillsborough Savings Institute ;

An act to incorporate the North-Carolina Coal and Iron Oil Company ;

An act to empower Solomon Klutts, administrator of Caleb Klutts, late sheriff of Rowan county, to collect the arrears of taxes due said sheriff during his term of office ;

A bill to incorporate a turnpike company from Morganton to the Cranberry Forges ;

An act concerning public mills ;

A resolution in favor of Donald Frazier ;

An act to incorporate the Knap of Reeds Masonic Classical School ;

An act to encourage the formation of a military company in Wilmington, North-Carolina;

An act to incorporate the White Oak River Navigation Company;

An act concerning land marks;

An act to alter the line between Burke and Caldwell counties;

A resolution concerning journals;

A resolution in favor of Judge Nash's executors;

A resolution in favor of E. G. Haywood;

A resolution in favor of Henry D. Turner;

A resolution in favor of Mrs. Martha Spears, of Harnett county;

A resolution in favor of H. J. Brown, of Raleigh;

A resolution in favor of W. H. & R. S. Tucker;

A resolution in favor of E. D. Davis;

A resolution in favor of W. Wooley;

A resolution in favor of Jacob Evans, of Cherokee county, and of Edmund McNabb, of the same county.

At a quarter of one o'clock, Mr. Pritchard moved the House do now adjourn, and the question was put, and

Decided in the negative—Yeas, 22

Nays, 40

On motion of Mr. Pritchard,

The yeas and nays were ordered, and the following voted in the affirmative, viz:

Messrs. Benbury, Clapp, Craven, Farrow, Ferebee, Harrington, Henry, Hester, Morgan, Newby, Norman, Outlaw, Pritchard, Reeves, Simonton, Simpson, Smith, Speer, Stanford, Stephens, Ward and Windley.

And the following in the negative, viz:

Messrs. Baird, Bryan, of N. H., Bryson, Burns, Burke, Caldwell, of B., Dancy, Dula, Eller, Fagg, Faison, Fleming, Foy, Fries, Green, of C., Hall, of R., Hall, of W., Hargrove, Higgins, Hutchins, Leffers, Lyon, McCotter, Martin, Morehead, Norwood, Purdie, Roney, Sanders, Scales, Shaw, Sherrill, Sparrow, Tomlinson, Thornburg, Walker, Watters, Whitfield, Williams and Woodfin.

So the House refused to adjourn.

Mr. Pritchard moved there be a call of the House, and this question was put, and

Decided in the affirmative—Yeas, 31

Nays, 21

On motion of Mr. Pritchard,

The yeas and nays were ordered, and the following voted in the affirmative, viz :

Messrs. Baird, Baxter, Burke, Caldwell, of B., Craven, Dickson, Eller, Faribault, Farrow, Ferebee, Green, of C., Green, of F., Hall, of R., Hall, of W., Harrington, Higgins, Jones, of O., Moore, of C., Morgan, Newby, Pritchard, Purdie, Reeves, Roney, Saunders, Scales, Simonton, Sparrow, Stephens, Tomlinson, Thornburg, Whitfield and Windley.

And the following in the negative, viz :

Messrs. Benbury, Bryan, of N. H., Bryson, Dancy, Fleming, Gaither, of D., Hargrove, Hester, Kirby, Lewis, Lyon, McCotter, Martin, Morehead, Norman, Norwood, Outlaw, Speer, Sherrill, Simpson, Ward, Watters and Williams.

The following named were absent upon the call :

Messrs. Badham, Barbee, Blount, Bridgers, Brummell, Bryan, of C., Byrd, Caldwell, of G., Chambers, Costner, Cox, of J., Cox, of P., Dargan, Dockery, Dortch, Drake, Foy, Gardener, Gatling, Hill, of H., Hill, of S., Holdselaw, Hutchins, Jones, of C., Kerr, Long, McKay, Masten, Meares, Moore, of M., Moore, of N. H., Mordecai, Ransom, Reagan Ripley, Shaw, Smallwood, Smith, Speight, Stanford, Taylor, Thompson, Waddill, Wallace, Walser, Washburne, Watson and Wilson.

Of these the following were, on motion, excused, viz :

Messrs. Blount, Baxter, Hill, of Halifax, McKay, Masten, Meares, Washburne and Ripley.

Mr. Dancy moved that the principal doorkeeper be sent after the absentees, with order to have them before the House, pending which,

On motion of Mr. Outlaw,
all further proceedings being dispensed with ;

On motion of Mr. Ferebee,

And at 1 o'clock 40m., the House adjourned until to-morrow at 6 o'clock.

THURSDAY, FEBRUARY 17, 1859.

The House considered

The Senate bill (635) to repeal Revised Code, chapter 66, sections 20, 21, 22, title Literary Fund and Common Schools, and the same being read the second time was,

On motion of Mr. Moore, of Martin,

Indefinitely postponed.

The Senate bill (673) concerning the appointment of receivers by the courts of equity; and the same being read the second time, was,

On motion of Mr. Norwood,

Indefinitely postponed.

The Speaker having temporarily withdrawn, and Mr. Ferebee called to the chair, Mr. Caldwell, of Burke, introduced the following resolution :

Resolved, That the thanks of this House are due, and are hereby tendered to the Hon. Thos. Settle, Jr., Speaker of this House, for the ability, dignity and impartiality with which he has presided over its deliberations during the present session.

Mr. Outlaw seconded the same, and it was unanimously adopted.

On motion of Mr. Hill, of Stokes,

Resolved, That a message be sent to the Senate informing that the hour having arrived, the House of Commons will, according to joint order, adjourn *sine die* on return of messenger.

A message being received from the Senate proposing to extend the time for the adjournment, it was

On motion of Mr. Hill of Stokes,

Laid upon the table.

The Speaker then, in a very brief but feeling manner, returned his thanks for the compliment just paid him, and for

the uniform respect and attention with which the members had treated him and his decisions during the session. Not a single scene of disorder, he remarked, had occurred to interrupt their deliberations. Wishing all a happy return to their respective homes, he declared the House of Commons adjourned without day.

And so the House adjourned *sine die*.

